

OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES

NEW ZEALAND NCP

REPORT TO THE OECD

2015

COMMON FRAMEWORK FOR ANNUAL REPORTING BY NATIONAL CONTACT POINTS TO THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES

June 2014-December 2015¹

The role of National Contact Points is to further the effectiveness of the OECD Guidelines for Multinational Enterprises (the Guidelines) by undertaking promotional activities, handling enquiries and contributing to the resolution of issues that arise from the alleged non-observance of the Guidelines in specific instances by individual companies. NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability to further the objective of functional equivalence.

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

This Common Reporting Framework, based on the Implementation Procedures of the Guidelines, assists NCPs in the preparation of these reports. The information provided by NCPs is the basis for the Annual Report to the OECD Council on the Guidelines for Multinational Enterprises. It is also used to produce Annual reports of individual NCPs (NCP Annual reports).

¹ Until 2014, the reporting period for NCPs covered activities undertaken from June to June. From 2015 the reporting period will cover the period from January to December of each year. For practical reasons, the 2015 reporting period will also cover activities between June and December 2014.

COMMON REPORTING FRAMEWORK

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A. NCP contact information

- Contact name (s) Michael Hobby
- Address Ministry of Business, Innovation and Employment, 15 Stout Street, Wellington, New Zealand
- Website or webpage

<http://www.mbie.govt.nz/info-services/business/trade-tariffs/trade-environment/oecd-guidelines-for-multi-national-enterprises/reporting-a-multinational-enterprise>
- Email oecd-ncp@mbie.govt.nz
- Telephone: +6449013822

B. Institutional arrangements

Adhering governments have flexibility in organising their NCPs as long as the institutional arrangements meet the objective of functional equivalence and help further the effectiveness of the Guidelines. NCPs have to seek the active support of social partners, including the business community, worker organisations, NGOs and other interested parties as relevant.

1. In which governmental agency (ministry) is the NCP located?

Ministry of Business, Innovation and Employment (MBIE)
2. In the case of independent NCPs, how has the NCPs been set up? N/A
3. Does the NCP include representatives from:
 - Government agencies: Yes/No. If yes, please specify Yes
 - Non-governmental bodies. Yes/No. If yes, please specify which: No
 - business
 - trade unions
 - civil society
 - other
4. What are the main considerations that have determined the current structure of the NCP? (check all that apply).
 - Increase the relevance of the Guidelines to the ministries/government bodies involved ✓
 - Ensure the independence of the NCP vis-à-vis the government
 - Ensure accessibility of the NCP to stakeholders

- Involve relevant stakeholders in the NCP
- Other

5. Does the NCP have an advisory body? Please indicate composition and functions. Yes

The advisory liaison group comprises representatives from organisations with an interest in the Guidelines including the central union and employer organisations and relevant government departments.

6. Does the NCP have an oversight body? Please indicate composition and functions. No

The liaison group provides a forum for discussion of the activities of, and issues concerning, the NCP.

7. Please provide any other information on how its structure enables the NCP to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability.

New Zealand's monopartite structure houses the NZNCP within a government ministry. this central location ensures that the NCP can operate expeditiously, while remaining accountable to the NZ Government's public sector guidelines. the liaison group acts as an informal check and balance, as well as enabling a broader range of experiences and perspectives.

8. How is the NCP funded? (check all that apply)

- government budget ✓
- other (please specify)

9. Does the NCP have dedicated staff? Yes/No. If yes: No

- How many full time staff members?
- How many part time staff members?
- No dedicated staff members

10. Are the financial and human resources provided to the NCP sufficient for the NCP to carry out its mandate? Yes/No Yes

11. What challenges does the NCP face in fulfilling its mandate? (check all that apply)

- Lack of financial resources
- Lack of capacity
- Lack of support from the government
- Difficulties in engaging the business community, worker organisations, other non-governmental organisations, other interested parties.
- Other

12. Please explain these challenges, and elaborate on additional elements that would be needed for the NCP to fulfil its mandate and functions.

Capacity issues can arise when dealing with simultaneous specific instance cases, given both volumes and complexity. These can require the mobilisation of additional resourcing.

13. Does the NCP report to the government on its activities? Yes/No. If yes: Yes

- Through regular meetings
- Through established reporting channels
- In an ad hoc manner ✓
- Other

14. Please specify to whom the NCP reports (ex. Parliament, governmental body, etc.)

The NZNCP is required to report to the Minister of Commerce and Consumer Affairs on specific instances.

15. Does the NCP coordinate with other domestic government bodies or representatives with regard to activities on responsible business conduct? Yes/No. If yes, please elaborate Yes

The NZNCP has provided information on the Guidelines for New Zealand's presentation to UN human rights-related Committees as required.

C. Information and Promotion

16. Does the NCP have a dedicated website or dedicated webpages? If yes, please provide link.

Yes:

<http://www.mbie.govt.nz/infoservices/business/tradetariffs/tradeenvironment/oecdguidelinesformultinationalenterprises>

17. Are the Guidelines available online? Yes/No Yes

18. Are the Guidelines available in print? Yes/No Yes

19. Is the NCPs Annual Report available online or in print? Yes/No Yes

20. Does the NCP have a promotional plan on the Guidelines? If yes, please provide details. Yes

The liaison group is used to encourage members to promote the Guidelines within their organisations.

21. Has the NCP implemented the actions identified in the promotional plan? Why or why not? No, see above.

22. How does the NCP inform investors about the Guidelines and their implementation? Through (check all that apply):

- Embassies
- Export credits agency ✓
- Overseas investment guarantee body ✓
- Investment promotion agencies
- Other (please specify)

23. Has the NCP done any studies to assess awareness of enterprises on the Guidelines and the NCP? If yes, through: No

- Survey(s)
- Regular meetings
- Other

24. What were the results of these studies/surveys? /

25. Has the NCP organised any events to promote the Guidelines and their implementation procedure? No

- Title/subject of the event
- Place, date
- Organiser(s)
- Number of participants and type of audience (e.g. government, business, worker organisations, NGOs, academia, or other parties)
- Highlights and key outcomes

26. Did the NCP participate in any event organised by stakeholders or other entities to promote the Guidelines and their implementation procedures? No

- Title of the event
- Place, date
- Organiser(s)
- Number of participants and type of audience (e.g. government, business, worker organisations, NGOs, academia, or other parties)

- Highlights and key outcomes

27. Does the NCP cooperate with OECD partner organisations and/or other leading organisations working on responsible business conduct? Please check all that apply and provide further details on the nature of the cooperation. No

- ILO
- UN Global Compact and its local networks
- UN Office of the High Commissioner on Human Rights
- National Institution for the Protection and Promotion of Human Rights
- Global Reporting Initiative
- ISO
- Other, please provide details.

28. Did the NCP receive enquiries about the Guidelines and the NCP? From (check all that apply):

- Business
- Labour organisations
- Non-governmental organisations
- Government agencies
- Other government (e.g. via embassies)
- Other (individuals, press, academia)

29. If available please provide web statistics regarding your NCP's website:

- How many visitors did the website(s) receive in the reporting period?
- How many downloads of materials on the NCP website (e.g. the Guidelines, brochures, other materials) occurred during the reporting period?

D. Specific instances

According to the Procedural Guidance, NCPs are expected to contribute to the resolution of issues that arise relating to the implementation of the Guidelines in specific instances in a manner that is impartial, predictable, equitable and compatible with the principles and standards of the Guidelines.

30. What are the NCP's procedures for handling specific instances? Please attach the procedures

<http://www.mbie.govt.nz/info-services/business/trade-tariffs/trade-environment/oecd-guidelines-for-multi-national-enterprises/reporting-a-multinational-enterprise>

<http://www.mbie.govt.nz/info-services/business/trade-tariffs/documents-image-library/NZ-NCP-specific-instance-indicative-procedures-timeframes.pdf>

Where applicable please elaborate or note an absence of NCP procedures regarding:

- Requirements on submitting a complaint in a specific instance

<http://www.mbie.govt.nz/info-services/business/trade-tariffs/trade-environment/oecd-guidelines-for-multi-national-enterprises/reporting-a-multinational-enterprise>

- Standing requirements for participating in a specific instance (e.g. rules around who is allowed to bring complaints to an NCP mechanism, who is allowed to participate in mediation).

<http://www.mbie.govt.nz/info-services/business/trade-tariffs/trade-environment/oecd-guidelines-for-multi-national-enterprises/reporting-a-multinational-enterprise>

- Confidentiality provisions

<http://www.mbie.govt.nz/info-services/business/trade-tariffs/trade-environment/oecd-guidelines-for-multi-national-enterprises/reporting-a-multinational-enterprise>

- Indicative timeframes for the different steps of the procedure

<http://www.mbie.govt.nz/info-services/business/trade-tariffs/trade-environment/oecd-guidelines-for-multi-national-enterprises/reporting-a-multinational-enterprise>

- Existence of a statute of limitations

Not specified

- Publication and availability online of initial assessments

<http://www.mbie.govt.nz/info-services/business/trade-tariffs/trade-environment/oecd-guidelines-for-multi-national-enterprises/reporting-a-multinational-enterprise>

31. How many new specific instance(s) did the NCP receive in the reporting period? 9

See Annex (template for reporting specific instances)

32. What are the main challenges the NCP encountered in handling specific instances during the reporting period? (check all that apply).

- Parallel legal proceedings ✓

- Parallel public campaigning by complainant
- Unrealistic expectations regarding possible outcomes ✓
- Unwillingness of the company to engage
- Unwillingness of the complainant(s) to engage
- Other (please elaborate)
- No specific instances

E. 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.

33. Does the NCP engage in any of the multi-stakeholder advisory groups under the proactive agenda?
- Responsible Mineral Supply Chains? Yes/No. Please specify. No
 - Stakeholder Engagement in the Extractive Industries? Yes/No. Please specify. No
 - Responsible Business Conduct in the Financial Sector? Yes/No. Please specify. No
 - Responsible Agricultural Supply Chains? Yes/No. Please specify. No
 - Responsible Supply Chains in the Textile and Garment Sector? Yes/No. Please specify. No
34. How does the NCP use and rely on guidance developed as part of the proactive agenda projects mentioned above? (check all that apply).
- Promotion and awareness raising activities
 - Dealing with specific instances ✓
 - Handling enquiries ✓
 - Developing guidance at the national level
 - Other

F. Co-operation and peer learning

In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs are encouraged to cooperate and engage in horizontal, thematic peer reviews and voluntary peer

evaluations. Cooperation and experience sharing can be carried out through meetings at the OECD or hosted by a government and can include mentoring and coaching, direct co-operation between individual NCP on specific issues, etc.

35. How did the NCP engage in co-operation and experience sharing with other NCPs during the reporting period? Check all that apply:
- Horizontal learning activities
 - Co-hosting events
 - Co-operation in handling specific instances ✓ discussion with the Australian NCP over their handling of specific instance cases.
 - Mentoring/capacity building events
 - Other
 - No co-operation
36. Did the NCP encounter any difficulties in co-operating with other NCPs? If yes, please elaborate. No
37. Is the NCP interested in volunteering for a peer evaluation? Yes/No. Please indicate semester/year.
No
38. Is the NCP interested in being part of a peer review team? Yes/No. – Please indicate semester/year. No
39. Please provide suggestions for themes of future horizontal learning exercises. /
40. Is the NCP interested in hosting an NCP learning/experience-sharing event? Please indicate semester/year. No

G. Impact and future work

41. Have there been any measurable impacts of the Guidelines and/or the efforts of the NCP in the past implementation cycle? For example: No
- Have the Guidelines been referred to in national legislation (e.g. on non-financial reporting, export credits regulation etc.)? No
 - Do any domestic industry standards refer to the Guidelines? No
 - Other?
42. What are the new emerging challenges for enterprises identified by NCPs, notably in developing and emerging economies and sectors?

Supply chain management has been identified as an issue where further guidance and assistance to enterprises will be useful.

43. How has the NCP helped enterprises address these challenges?
44. What issues might deserve particular attention during the 2016 implementation cycle of the Guidelines? For example:
- Areas for which additional proactive agenda projects would be valuable
 - Areas where additional research or analytical support would be helpful
 - Areas which would benefit from additional policy dialogue
 - Other

ANNEX: TEMPLATE FOR REPORTING SPECIFIC INSTANCES

Please fill in, where appropriate and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary, the following template for each new specific instance received in the reporting period. Please also provide the link to the initial assessment, if available, and the final statement. Please note that specific instances that were rejected by the NCP also need to be reported upon.

- Title as it appears in the OECD's database of specific instances: Industry sector, host countries, etc.
- Leading NCP:
- Supporting NCP:
- Description: (issues raised)
- Theme/s: (indicate the Guidelines chapters mentioned in the submission)
- Host country/ies
- Source: (trade union, NGO, individuals, business or other interested parties)
- Industry sector
- Status: In progress or Concluded
- Summary: (context, good offices, highlights, challenges, opportunities, conclusions, follow up, etc.)
- Initial assessment: From date... to date... Please provide links to relevant public communication issues by the NCP and/or initial assessment.
- Engagement with parties: From date... to date...
- Conclusion of the procedures: From date to date... Please provide links to relevant public communication issues by the NCP and/or final statement.
- Parties consulted with regard to the specific instance procedure
- Link to existing entry in the OECD database of specific instances (<http://mneguidelines.oecd.org/database/>)

Are there any updates on specific instances that were reported and not concluded in the previous reporting period? Yes/No.

- Update on specific instances from previous reporting period
- Title as it appears in the OECD's database of specific instances: Industry sector, host country (ies), date specific instance was received
- Status: In progress and concluded
- Summary: (context, good offices, highlights, challenges, opportunities, conclusions, etc.)
- Timeframe:
- Engagement with parties: From date... to date...
- Conclusion of the procedures: From date to date... Please provide links to relevant public communication issues by the NCP and/or final statement.
- Parties consulted with regard to the specific instance procedure
- Link to existing entry in the OECD database of specific instances (<http://mneguidelines.oecd.org/database/>)