

Joint Statement Supporting the Capacity of the NCP in the Current COVID-19 Crisis

July 2020

This joint statement reflects the support of *Business at OECD (BIAC)*, OECD Watch and TUAC (the Stakeholders) for the implementation of the OECD Guidelines for Multinational Enterprises (the Guidelines), including in response to the COVID-19 pandemic.

Business at OECD, OECD Watch and TUAC share a common interest in assuring sustainable development, fostering jobs and prosperity, and promoting healthy workplaces and communities, including in the context of COVID-19. The Stakeholders acknowledge the need for constructive dialogue and cooperation as we address the challenges the pandemic is posing on our societies and economies and as we explore the way out of the crisis.

National Contact Points for the OECD (NCPs) are likely to receive increased attention. We reiterate the call from our 2016 Joint BIAC-TUAC-OECD Watch statement to strengthen the performance of NCPs and reinforce our message that NCPs must be adequately equipped and staffed to fulfil their objectives. It is particularly important to bolster NCPs that are currently lagging behind to ensure a level playing field. OECD member states and adhering countries should abide by the Guidelines as they expect companies to follow its recommendations.

Business at OECD, OECD Watch and TUAC reinforce that NCPs should be adequately resourced and possess the capacity to address issues that are submitted to them, and to convene productive dialogue between the stakeholders involved. The NCP process can serve as an effective dispute resolution mechanism that offers a way to potentially avoid costly and time-consuming judicial proceedings.

The Stakeholders, *Business at OECD*, OECD Watch and TUAC, thus encourage companies and the submitters that file a specific instance to participate in the NCP process in good faith and with a view to find a constructive solution in a timely manner.

This is based on the understanding that NCPs take appropriate steps to ensure that specific instances are being addressed in line with the spirit of the MNE Guidelines. In accepting the offer to participate in mediation, the Stakeholders acknowledge that there should be no undue pressure on either party, and that confidential information provided during the course of mediation is protected. Consistent with the guiding principles for specific instances, the focus should be on offering good offices to help the parties resolve the issues raised towards a constructive solution that is in the interest of all parties involved. The Stakeholders are committed to work in partnership with the OECD, national governments and multinational enterprises to support effective implementation of the MNE Guidelines.

Due consideration should also be paid to crisis-specific realities, including the resource challenges companies may currently face, as well as specific new challenges that may arise in the context of the COVID-19 crisis.

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