



FAQ on the NCP Grievance Mechanism

This brochure answers frequently asked questions on how [National Contact Point for Responsible Business Conduct](#) handle cases (known as 'specific instances') as [grievance mechanisms](#), focusing on process, outcomes and other issues.

FAQ

**Click on the question of your interest*

Q1.	<u>Who can submit a case?</u>	p.3
Q2.	<u>Which NCP should I submit my case to?</u>	p.3
Q3.	<u>How do I file a case within an NCP?</u>	p.3
Q4.	<u>Is representation necessary?</u>	p.4
Q5.	<u>Is there a fee for submitting a case?</u>	p.4
Q6.	<u>What can be expected from a case submitted to an NCP?</u>	p.4
Q7.	<u>How do NCP handle cases?</u>	p.5
Q8.	<u>Are cases public?</u>	p.6
Q9.	<u>Should I be afraid of retaliation?</u>	p.6
Q10.	<u>Are you an experienced mediator interested in assisting with NCP cases?</u>	p.6

Q1.

Who can submit a case?

Any individual or organisation with a legitimate interest in resolving issues covered by [the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct](#) (the Guidelines) can submit a case to the grievance mechanism of a National Contact Point for Responsible Business Conduct (NCP) against a company operating in or from the country of the NCP.

Q2.

Which NCP should I submit my case to?

The Guidelines are addressed by adherent countries to 'enterprises operating in or from their territories.'

This means you can submit a case to the NCP:

- ☒ Of the country **where the company is headquartered**, regardless of where the issues are taking place
- ☒ Of the country where **the issues are taking place**, regardless of where the company is headquartered

As a result, NCPs can review issues taking place outside of one of the 52 countries adhering to the Guidelines, and against companies that are not headquartered in one of these 52 countries, giving NCPs a global reach.

Note that, where several NCPs would be able to handle a case (for example, a case against a company headquartered in an adherent country, regarding issues taking place in another adherent country), the various NCPs concerned will coordinate with each other and the case can be transferred to another NCP, different from the NCP to which the case was initially submitted, in consultation with the parties.

Generally, the NCP of the country in which the issues have arisen would be the lead NCP. However, in certain situations other criteria may be applied.

Q3.

How to do I file a case with an NCP?

Filing a case with an NCP is very easy. Many NCPs provide a form on their website. NCPs may, however, have different requirements in terms of the initial submission. To find out more about the specific requirements of an NCP, make sure to visit the [NCP's website](#) where you will find all the information needed.

Q4.

Is representation necessary?

It is not necessary to be represented by a lawyer when filing a case to an NCP or when engaging in the specific instance process as a company.

Representation is allowed, however, and in practice, submitters and companies can be represented or assisted by lawyers or other organisations such as NGOs or trade unions.

[BIAC](#), [TUAC](#) and [OECD Watch](#) are platforms of organisations that represent business, trade unions and civil society at the OECD, and may provide guidance or assistance in relation to specific instances.

Q5.

Is there a fee for submitting a case?

No. The NCP process is meant to be as accessible as possible, and so NCPs do not charge a fee for filing a case.

Q6.

What can be expected from a case submitted to an NCP?

NCPs are not courts: participation in the process is voluntary and the NCP does not have the authority to order any remedy measure.

NCPs offer their “good offices” to the parties and seek to facilitate an agreement between the submitter and the company through non-adversarial methods such as mediation. The aims of the good offices may include furthering the implementation of the Guidelines in the future and/or addressing adverse impacts in a way consistent with the Guidelines. In practice, NCPs have been able to facilitate such remedies as monetary compensation, in-kind reparation, changes in company policy, etc.

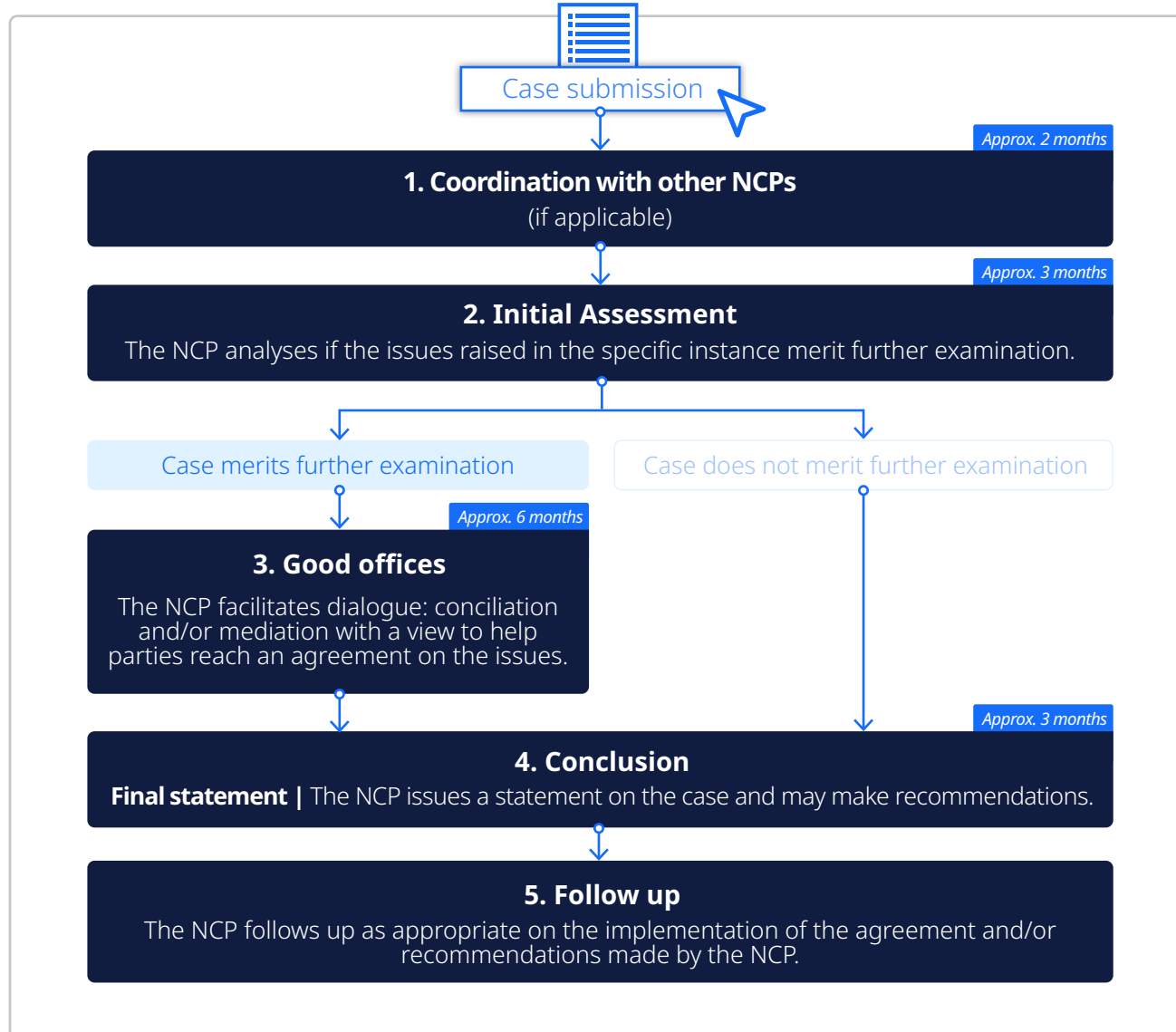
Regardless of whether an agreement is reached, NCPs can make recommendations to the company with respect to the Guidelines. Some NCPs also make explicit determinations as to whether a company has observed the Guidelines or not in relation to the issues at hand.

NCPs also generally follow up after the conclusion of the case to verify that any agreement and/or recommendations have been implemented.

Q7.

How do NCP handle cases?

NCP cases follow a five-step process:



While all NCPs follow this process, there might be practical differences in the procedures followed by NCPs. Make sure to visit the relevant [NCP's website](#) to consult their rules of procedure.

Find out more from the guides for NCPs on aspects of the specific instance process:

Guide for National Contact Points on:

✓ Coordination when handling specific instances

ENG PRT

✓ The initial assessment of specific instances

ENG PRT

✓ Recommendations and determinations

ENG PRT

✓ Follow up to specific instances

ENG PRT

Q8.

Are cases public?

Yes. A record of all cases handled by NCPs is available online in the [OECD database of specific instances](#).

The database provides a summary of cases as well as links to final statements on cases published by NCP. Note that all ongoing cases might not be reflected in the database, as NCPs have discretion as to the moment they report a case for inclusion in the database.

However, the content of the discussions between parties during the mediation facilitated by the NCP will remain confidential, and NCPs can take measures against parties that do not respect such confidentiality. Likewise, the content of any agreement reached by the parties as a result of mediation will only be disclosed by the NCP with consent of the parties.

For more information, see:

[Guide for NCPs on confidentiality and campaigning when handling specific instances](#)

ENG

PRT

Q9.

Should I be afraid of retaliation?

Submitters of an NCP case should not be subject to undue pressures or adverse consequences. This was restated by the OECD Working Party on RBC in March 2020. If you fear retaliation, the NCPs can take measures to protect your identity in the process. Make sure to inform the NCP of your situation in such a case.

For more information, see:

[Guide for NCPs on the rights of indigenous peoples when handling specific instances](#)

ENG

ESP

PRT

Q10.

Are you an experienced mediator interested in assisting with NCP cases?

The OECD maintains a roster of dispute resolution professionals to assist NCPs in the handling of specific instances under the OECD Guidelines for Multinational Enterprises.

Specific instances are a non-judicial grievance process whereby the NCP contributes to the resolution of issues of alleged non-observance of the Guidelines by companies. Further information can be found in the FAQs.

To participate in the roster, please fill out this [online form](#).



If you have further questions,
please contact rbc@oecd.org.



oe.cd/RBCncp



OECD Business and Finance



@OECD_BizFin



OECD Business and Finance