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December 2008

**UK NATIONAL CONTACT POINT FOR THE OECD GUIDELINES:  
ANNUAL RETURN TO THE OECD INVESTMENT COMMITTEE -  
2007/2008**

**Common Framework for Annual Reporting by National Contact Points  
for the period June 2007- June 2008**

**A. Institutional Arrangements**

- The UK NCP is bipartite, consisting of officials from the Department for Business, Enterprise, and Regulatory Reform (BERR), and the Department for International Development (DFID). BERR acts as secretariat for the NCP and full contact details are:

UK National Contact Point  
Department for Business, Enterprise and Regulatory Reform (BERR)  
Europe, International, Trade, Development (EITD)  
Bay 4133  
1 Victoria Street  
London SW1H 0ET  
T: 020 7215 5756  
F: 020 7215 2234  
E: uk.ncp@berr.gsi.gov.uk  
Website: <http://www.berr.gov.uk/nationalcontactpoint>

- The NCP participates in the Government-wide Inter-Departmental Group on Corporate Social Responsibility. Through these contacts the NCP ensures that the Guidelines feature prominently in wider UK policy on corporate social responsibility. In addition, the Minister for Trade has undertaken to meet the APPG (All Party Parliamentary Group) Great Lakes and Joint Working Group on the Great Lakes and Genocide Prevention on a regular basis, and most recently met them on 25 March (2008).
- The NCP Steering Board oversees the work of the NCP, and includes External members drawn from outside Government, selected for their experience in business, employee relations, and issues of concern to NGO's. Other Government Departments and agencies with an interest in the OECD Guidelines are also represented (Attorney General's Office,

Department for Environment, Food and Rural Affairs, Department for Constitutional Affairs, Department for International Development, Department for Work and Pensions, Exports Credit Guarantee Department, Foreign Office, UK Trade and Investment and the Scottish Executive). The Board met for the first time on 22 May 2007, and has subsequently met quarterly.

- The NCP promoted other corporate social responsibility initiatives such as the Global Compact, EITI and the OECD Risk Awareness Tool for MNEs when promoting the Guidelines.
- Following a strategy refresh (March 2008), the FCO refocused its objectives, which has meant that they are no longer a member of the NCP. BERR has therefore assumed some of the responsibilities on the Guidelines previously shared with the FCO. However, new arrangements will ensure that the NCP continues to be able to draw upon the resources and knowledge of posts overseas. The FCO will continue to be represented on the NCP Steering Board. The UK Government is fully committed to this important work, and has increased the NCP resources. From March 2008, 2 BERR officials are now working full time, plus 20% of DFID official on the Guidelines.

## **B. Information and Promotion**

*How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?*

- The Guidelines are readily accessible on the UK NCP webpages on the main BERR website which has direct links to the full text on the OECD site. The NCP also sends out copies of the text of the Guidelines and Commentaries (either electronically or hard copy) to enquirers on request. The texts have also been deposited in the UK Parliamentary libraries.

*How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the Guidelines (consultations, distribution of the Guidelines, etc.)?*

- The NCP continues to work with the CBI, TUC and NGOs to publicise the existence of the Guidelines and the role of the NCP. They continue to disseminate information to their members.
- The external members on the Steering Board that oversees the NCP represent trade unions, business and NGO's. These members have a clear remit from their constituencies to raise concerns and suggest improvements. The NCP provides the Steering Board members an

update of cases quarterly (on a confidential basis) and responds to any questions raised.

- In addition, the NCP met with the TUC twice during this period. The TUC continues to promote the Guidelines in various fora inside and outside the trade union world; the TUC website retains information about the Guidelines.
- The CBI support the Guidelines as an International Code of Conduct and provides a link to the relevant section of the OECD website. They also promote the website among other CSR initiatives in regional events.
- The NCP met with various NGOs to explore options for raising awareness of the Guidelines among NGOs. Options being explored include a possible NGO-led event that will promote the Guidelines.

*Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications, co-operation with investment promotion agencies, departments of education, business schools, etc.)?*

- A new BERR official was recruited to the NCP in March 2008, and one of his first tasks is to formulate a communications plan to raise the awareness of the OECD Guidelines.
- During the year, presentations have been given on the Guidelines, or including references to the Guidelines for a number of organisations or events, for example:
  - UK-NCP participated in panel discussion on the model European NCP, highlighting both similarities and differences between the model and the revamped UK NCP at OECD-Watch event in Brussels (June 2007).
  - The Economic Councillor in Moscow wrote to 12 key British Investors in Russia about the Guidelines. The Embassy also organised a series of meetings to promote the Guidelines and gauge awareness of them.
  - Wider presentations on CSR (Corporate Social Responsibility) or anti-bribery regularly included references to the OECD Guidelines.
  - The FCO gave a presentation on corruption at the UK network of the Global Compact event in Edinburgh which included references to the Guidelines (September 2007).

- The NCP promoted the Guidelines at the Chatham House annual CR event. Over a 100 copies of the Guidelines were distributed during the first day of this event (13-14 March 2008).
- A meeting was hosted by the UK NCPs (and the FCO) at the request of Richard Solly (Secretary of the London Mining Network) for groups involved with the London Mining Network. Copies of the OECD Guidelines were also distributed to attendees, who were also made aware of the UK National Contact Point (NCP) website for the OECD Guidelines (April 2008).
- Work continues to raise awareness to officials at the relevant Departments and to overseas Embassies e.g. NCP produced information sheets on the OECD guidelines for BERR sector relationship managers in Business Relations Directorate to distribute to their various sectors emphasising the importance of the Guidelines (May 2008).

*Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?*

- A consultant has been contracted to recommend options for using the OECD Guidelines for Multinational Enterprises and the OECD Risk Assessment Tool to promote responsible business conduct, particularly in countries with weak governance. The NCP is currently working with the team in DFID responsible for conflict and resources to establish the best way to use and promote the tool. The NCP will approach key Embassies and DFID country offices to request they provide a link to the Risk Awareness Tool on their websites. The NCP has provided £10K to the OECD to support the web portal.

*Annex 3 to this questionnaire presents Table 1 from the 2007 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes". NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.*

- Export credits and investment insurance : Links connect the Export Credits Guarantee Department's website with that of the UK National Contact Point. In addition, ECGD refers to the Guidelines in its publicly available Case Impact Analysis Process document.

*Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?*

- a) The UK NCP has contact when necessary with other NCPs through meetings at the OECD, supplemented by informal contacts.
- b) The UK NCP has received a number of enquiries from NGOs, academics and members of the public and corporate lawyers, which were not just from the UK.
- c) The UK NCP has received no official enquiries from the governments of non-adhering countries.

### **C. Implementation in specific instances**

- The NCP has produced and published a new paper outlining how it manages specific instances from acceptance, through mediation, to investigation and final assessment. This process paper is published and available to ensure a fair and transparent process for managing specific instances.
- A great deal of activity has been going on to improve the implementation of the Guidelines, including agreeing the review process, and the process for making complaints, which were published on the revamped NCP website in May 2008.

#### ***Specific instances considered by NCPs to date***

*Annex Table 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs. NCPs are asked to verify and update this table if necessary.*

- See Annexe 4 (attached).

### **D. Other**

*How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of guidelines implementation? Please provide examples that illustrate this.*

- *Visibility:* The NCP has proactively promoted the Guidelines and its role through, for example, presentations to interested parties, through webpages, and inclusion in publications of other government departments. The NCP has attempted to mainstream the Guidelines into other related areas of UK CSR policy.
- *Accessibility:* The UK NCP has widely advertised its telephone, fax and e-mail details, for example in their website and leaflets. The UK NCP has its own e-mail account (uk.ncp@berr.gsi.gov.uk) so that it can be accessed by those working in the NCP rather than just one individual.
- *Transparency:* The UK NCP has provided details of its activities on its webpages, to other NCPs at OECD meetings in Paris, and in discussions with business, trade unions, NGOs and other interested parties.
- *Accountability:* The UK NCP has kept UK Ministers and the UK Parliament informed of its activities, for example by answering Parliamentary Questions. When the NCP issues final statements with regard to Specific Instances these are approved by Ministers and are subsequently deposited with Parliament. The NCP has always taken the opportunity to update fellow NCPs on its activities at relevant OECD meetings.

*Do you wish to provide any other information on the nature and results of NCP activities, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?*

- The UK NCP has started using active mediation to resolve cases. It has this year conducted mediation on one case, and contracted out mediation to a professional mediator on another. We will learn from these for the management of future cases.

*If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?*

- No.

**ANNEX 4: SPECIFIC INSTANCES CONSIDERED BY NATIONAL CONTACT POINTS TO DATE**

<b>NCP concerned</b>	<b>Issue dealt with</b>	<b>Date of Notification</b>	<b>Host Country</b>	<b>Guidelines Chapter</b>	<b>Status</b>	<b>Final State ment</b>	<b>Comments</b>
United Kingdom	Activities of Avient Ltd alleged in a UN Expert Panel report.	2003	Democratic Republic of Congo	This was not specified in the UN Panel report	Concluded	Yes	The UK NCP issued a statement in September 2004: <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a>
United Kingdom	Activities of Oryx Minerals alleged in a UN Expert Panel Report	2003	Democratic Republic of Congo	This was not specified in the Panel Report	Concluded	Yes	<a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a>
United Kingdom	Activities of National Grid/Transco/	2004	Democratic Republic of Congo	Various	Concluded	Yes	<a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a>
United Kingdom	Activities of De Beers in UN Expert Panel Report	2003	Democratic Republic of Congo	This was not specified in the Panel Report	Concluded	Yes	<a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a>
United Kingdom	DAS Air	2005	Democratic Republic of Congo	II.1 achieving sustainable development. II.2 human rights II.10 encourage business partners, including	Ongoing	N/A	Company is in receivership, NCP in contact with parties to agree final statement.

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final State ment	Comments
				suppliers and sub-contractors, to apply principles of corporate conduct compatible with the guidelines.			
United Kingdom	BTC; activities of consortium led by British Petroleum	2002	Azerbaijan, Georgia, Turkey	II.5 Exemption from Regulation, III.I disclosure, V.I environmental management, V.2a information on environmental health/safety V.2b community consultation, V.4 postponement of environmental protection measures.	Ongoing	Yes, but subsequently withdrawn	Final statement was completed but complainants have requested a review under procedural grounds which UK system allows. Review is on-going.

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final State ment	Comments
United Kingdom	Activities Anglo American	2005	Zambia	Various	Ongoing	Yes	Finalised May 2008 statement can be found at:  <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a>
United Kingdom	Peugeot - Process in closing down plant - Collective bargaining - Access to information and meaningful consultation	2006	UK	IV. Employment and Industrial Relations	Ongoing	Yes	Finalised 1 February 2008, final statement at:  <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a>
United Kingdom	G4S - Contribution to economic, social and environmental progress with a view to achieving sustainable development Freedom of association and collective bargaining	2006	Mozambique Malawi Israel Uganda DRC Nepal Greece USA	II. General policies IV. Employment and Industrial Relations	On going	N/A	Initial assessment can be found at :  <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a>
United Kingdom	Unilever - Transfer of factory avoiding redundancy obligations Freedom of association and	2006	India	I. Concepts and principles IV. Employment and Industrial Relations	On going	N/A	Initial assessment can be found at:  <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a>

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final State ment	Comments
	collective bargaining						
United Kingdom	Afrimex - Payment of taxes to armed group engaged in armed conflict with national Government Profiting from minerals sourced from mines which use forced labour and child labour	2007	Democratic Republic of Congo	II. General policies IV Employment and Industrial Relations VI Combating bribery	Ongoing	N/A	Initial assessment can be found at:  <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a>
United Kingdom	Unilever - Freedom of association and collective bargaining	2007	India	IV. Employment and Industrial Relations	Ongoing	N/A	Initial assessment can be found at:  <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a>
United Kingdom	Unilever - Freedom of association and collective bargaining	2007	Pakistan	IV. Employment and Industrial Relations	Suspended	N/A	Initial assessment can be found at:  <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a>  Suspended waiting for outcome of talks between parties outside NCP process
United	British American	2007	Malaysia	IV.	Suspended	N/A	Initial assessment can be

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final State ment	Comments
Kingdom	Tobacco – Freedom of association and collective bargaining			Employment and Industrial Relations			found at:  <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a>  Suspended waiting for outcome of 2 Judicial Reviews central to complaint
United Kingdom	Freedom of association and collective bargaining.	2006	Bangladesh	IV. Employment and Industrial Relations.	Ongoing	N/A	Suspended due to parallel proceedings.