

OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES

NORWEGIAN 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) NCP Norway
- Address Postbox 8114, 0032 Oslo Dep, Norway
- Website or webpage <http://www.responsiblebusiness.no/>
- Email OECDNCP@mfa.no
- Telephone +4723951482

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?

Since August 2014, The Secretariat of NCP Norway has had its offices in the premises of the Ministry of Foreign Affairs.

2. In the case of independent NCPs, how has the NCPs been set up?

NCP Norway was reformed in 2010 and the changes took effect March 2011. The NCP comprises four individually appointed independent expert members, and a secretariat employed by the Ministry of Foreign Affairs. The Ministry of Foreign Affairs and the Ministry of Trade and Industry appoint the expert members based on proposals from business, civil society and trade unions. The Ministry of Foreign Affairs retains the responsibility to provide financial resources and to be the employer of the NCP Secretariat's two full time positions.

3. Does the NCP include representatives from:

- Government agencies: Yes/No. If yes, please specify No
- 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. No

NCP Norway consists of four independent experts and the Secretariat.

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

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.

In the Norway NCP Peer Review Report (2014) one of the findings were that "The Norway NCP's move to an independent Expert Panel and a dedicated budget and Secretariat in 2011, has enhanced the ability of the NCP to fulfil its mandate". The Peer Review Team underlined that "the independent structure of the Norway NCP is particularly important in light of the Norwegian context, where more than 30 per cent of business is state-owned or state-supported enterprises. In such a context, the independent structure is essential for stakeholders to have confidence that the NCP could act impartially in addressing a Specific Instance involving a state-owned enterprise". As a public body, we follow the Norwegian Freedom of Information Act, and we practice enhanced access to information. This is important for the core criteria mentioned above.

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: Yes

- How many full time staff members? 2
- How many part time staff members? One project staff
- 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.

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.)

We have annual administrative meetings with the Ministry of Foreign Affairs. Our newsletter goes to Parliament, and we report in an ad hoc manner to KomPAKT, the Norwegian government's consultative body on CSR.

Our own annual report is published on our website and printed. This is distributed to our most important stakeholders.

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

We coordinate in an ad hoc manner where issues or occasions arise, like conferences or giving talks to visiting delegations. We do however see room for improvement in this field. In 2015 we therefore suggested, in our comments to Norway's National Action Plan (NAP) on Business and Human Rights, that relevant governmental bodies coordinate better and that NCP Norway is invited where relevant. The NAP was presented by the Ministry of Foreign Affairs in October 2015 and a working group with representatives from different ministries is to be established to follow up the NAP. The NAP also suggests to consider establishing a central office to give advice related to RBC and states that the Secretariat of NCP Norway should be part of such an office. NCP Norway looks forward to seeing how the NAP will be followed up.

We have also (in November 2015) taken an initiative to inform all Norwegian embassies/foreign missions about the NCP and the OECD Guidelines and to offer them assistance in their outreach activities or when they are contacted by stakeholders. This was done with the understanding of the Ministry of Foreign Affairs.

Lastly, we have an opportunity to coordinate through, KomPAKT, the Norwegian government's consultative body on CSR where we are observers.

C. Information and Promotion

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

Yes: <http://nettsteder.regjeringen.no/ansvarlignaringsliv-en/>

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

We have an annual work plan where "Promotional activities" are one of the three main areas (the others being "Specific instances" and "OECD-cooperation and coordination").

Our main target group is Norwegian multinationals, but we also reach out Norwegian civil society, governmental bodies, academia and media. In addition, we use relevant opportunities to promote the Guidelines to business and other target groups from other countries.

21. Has the NCP implemented the actions identified in the promotional plan? Why or why not? Yes

The promotional plan for 2015 was quite ambitious and not all activities took place. This was due to several factors, including changes within the Secretariat, the NCP and due to the handling of three specific instances received during late 2014. The main promotional activity in 2015 was our "Human Rights Due Diligence" course for 15 Norwegian businesses (three whole day workshops).

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? We did a survey in 2013, but not in 2014 or 2015.

25. Has the NCP organised any events to promote the Guidelines and their implementation procedure?
Yes

- 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

Importance of transparency and reporting breakfast meeting with CSR Norway;
June 2014. Approx 35 40; mainly businesses.

OECD Guidelines special focus on textile sector. Sao Paulo, Brazil, January 2015 together with NCP
Brazil and NCP UK.

Human Rights Due Diligence series of three workshops held in 2015 for 15 Norwegian businesses.

Norway's National Action Plan on Business and Human Rights event with Ethical Trade Initiative and
Ministry of Foreign Affairs, 12 Nov. 2015.

26. Did the NCP participate in any event organised by stakeholders or other entities to promote the
Guidelines and their implementation procedures? Yes

- 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
- Meeting in Thun group of banks re due diligence. Switzerland, 5 - 6 June 2014.
Explained NCP Norway's specific instance re financial investor (NBIM).

OECD Global Forum on Responsible Business Conduct, participated in panel discussion, Paris, 26 –
27 June 2014.

Meeting for delegation from Peru focusing on indigenous peoples' rights, Oslo, September 2014.
Invited by Ministry of Foreign Affairs.

Anticorruption and the OECD Guidelines

Norwegian Shipowners Association, Oslo, September 2014 Approx 150 participants many from shipping industry

Presentation re OECD Guidelines and NCP institution for International Bar Association, London. Sept 2014.

Written article in "Practical Finance and Economy" Norwegian magazine. Introduction to OECD Guidelines and NCP system with specific focus on financial actors. Sept. 2014.

Stand at Norwegian Africa Business Association's annual conference, Oslo October 2014. Shared information about the OECD Guidelines and NCP Norway.

Panel debate organised by Rainforest Foundation focus on indigenous peoples' rights, Oslo 4 November 2014. Told about specific instances we had dealt with regarding indigenous people.

Meeting organized by Difi (Agency for Public Management and eGovernment), Oslo, 8 April 2015. Focus on OECD Guidelines importance in public procurement processes and the NCP complaint mechanism.

OECD outreach workshop in Beijing, 28 29 May 2015. Participated in delegation and informed about NCP Norway's experiences.

Importance of reporting contributed to meeting organized by GRI and CSR Norway, Oslo, 9 June 2015. Informed about expectations in OECD Guidelines.

Participated and contributed to NCP workshop in Budapest, 8- 9 October 2015. Norway's National Action Plan on Business and Human Rights event organized by Ministry of Foreign Affairs and Federation of Norwegian businesses (NHO), 12 Oct 2015, NCP expert member informed about NCP Norway and OECD Guidelines.

"Practical CSR tools and advice" Stand with information about OECD Guidelines and NCP system at CSR Norway's event, Oslo, 15 October 2015.

OECD Advisory group meeting for Finance Sector project, London, 23 October 2015. Focus on guidance for institutional investors.

Workshop with NCP Czechia and Norwegian embassy in Prague regarding OECD Guidelines and NCP system, Prague, 10 November 2015.

Conference regarding due diligence and responsible business conduct. Organized by NCP Denmark, Copenhagen, 25 Nov. 2015.

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.

- 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 ✓ around 20
- Labour organisations ✓ between 5 - 10
- Non-governmental organisations ✓ approx. 15
- Government agencies ✓ approx.10
- Other government (e.g. via embassies) ✓ approx. 10
- Other (individuals, press, academia) ✓ approx. 25

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

- How many visitors did the website(s) receive in the reporting period?

We only have statistics from July 2015.

Visits 1 July 31- October: 2032

Each visitor looked approx at two three pages.

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

No information available on this.

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

NCP Norway's procedural guidelines in English: http://nettsteder.regjeringen.no/ansvarlignaringsliv-en/files/2014/01/FINAL_KPprosedyreregler_eng_godkj-3.pdf

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

- Requirements on submitting a complaint in a specific instance

We have a "guiding form" that can be used in order to facilitate the initialization of the complaint procedure, but it is not a formal requirement. The form is in Norwegian and English. The English version can be found on our website under the heading "How to submit a complaint":

<http://blogg.regjeringen.no/ansvarlignaringsliv-en/assessment-of-complaints/how-to-submit-a-complaint/>

- 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).

In our Guiding form for submitting complaints we ask:

Are you complaining on behalf of your own members /or on behalf of others?

If your organisation is filing a complaint on behalf of others:

How would you describe your organisational mandate to represent the allegedly aggrieved party in this case?

- Confidentiality provisions

In our Guiding form for submitting complaints, we ask the following:

Have you marked any documents and other enclosures that may not be subject to public disclosure as confidential, and have stated grounds as to why such confidentiality is necessary

In our rules of procedure, we have several references to confidentiality issues:

page 2: The NCP will seek to strike a balance between transparency and confidentiality in accordance with the Guidelines and the requirements of the Norwegian Freedom of Information Act (2009). See also footnotes 4 and 15 in the Rules of procedure

page 3: The NCP depends on the parties to the process cooperating in good faith, however. Among other things, that means to respond on time, to maintain confidentiality where necessary

- Indicative timeframes for the different steps of the procedure

In our rules of procedure, we have stated on page 3:

"The NCP will ensure predictability by providing clear and publicly available information on its role in the resolution of specific instances, including information about the stages of the complaint process with indicative timeframes, and the potential role the NCP can play in following up agreements reached between the parties."

The indicative timeframes follow on the same page and on page 4 where we conclude by stating:

"The NCP endeavours to handle specific instances of alleged failure to comply with the Guidelines in an efficient manner. The goal is to complete the entire process from receipt of a case to publication of a final statement within 12 months, with the possibility of extension to up to 18 months.....

The NCP can make exceptions from the deadlines if that is deemed to be beneficial to the process and outcome.

The NCP will then report such delays to the parties concerned, explain the reasons behind the decision and provide a revised timetable."

This latter, more flexible approach was recommended to NCP Norway in our Peer Review report and we amended our rules accordingly.

- Existence of a statute of limitations

Not applicable for our procedures.

- Publication and availability online of initial assessments

NCP Norway always publishes the initial assessment of a specific instance as well as the final statement and the complaint. See our website for all cases handled since 2011 (here link to English documents they are also published in Norwegian):

http://nettsteder.regjeringen.no/ansvarlignaringsliv-en/files/2014/01/FINAL_KPprosedyreregler_eng_godkj-3.pdf

31. How many new specific instance(s) did the NCP receive in the reporting period? 3

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) ✓ Changes in staff and expert members
- 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. Yes

NCP Norway has been part of the Advisory Group.

- Responsible Business Conduct in the Financial Sector? Yes/No. Please specify. Yes

NCP Norway is actively engaged in this topic and was invited to participate in Expert meeting in London, October 2015.

- 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 ✓
- Mentoring/capacity building events ✓
- Other
- No co-operation

Former Chair of NCP Norway led the Peer Review of NCP Denmark in 2015.

See also events mentioned earlier under "promotional activities".

36. Did the NCP encounter any difficulties in co-operating with other NCPs? If yes, please elaborate. Yes

Did not receive response from an NCP involved in a specific instance.

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.
Yes: late 2016/start 2017

39. Please provide suggestions for themes of future horizontal learning exercises.

Handling specific instances: Looking at the criteria in the Initial assessment phase.
Best practices regarding promotional activities. How to reach relevant businesses?

40. Is the NCP interested in hosting an NCP learning/experience-sharing event? Please indicate semester/year. Yes: late 2016/start 2017

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: Yes

- Have the Guidelines been referred to in national legislation (e.g. on non-financial reporting, export credits regulation etc.)? Yes: export credit regulations
- Do any domestic industry standards refer to the Guidelines? Yes
- The OECD Guidelines have been mentioned in several policy documents/white papers to Parliament, including National Action Plan to follow-up the UN Guiding principles on Business and Human Rights (UNGP).
- Other?

42. What are the new emerging challenges for enterprises identified by NCPs, notably in developing and emerging economies and sectors?

corruption and more focus on human rights

43. How has the NCP helped enterprises address these challenges?

We have organised a free "Human Rights Due Diligence" project for 15 Norwegian businesses in 2015. This has been a series of three whole day workshops and individual consultancy assistance to help businesses understand what "human rights due diligence" means. This will be continued with new businesses in 2016.

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

Follow-up and capacity building of NCPs and others regarding the new Guidelines within the Proactive agenda.

- Areas where additional research or analytical support would be helpful

What effects have the Guidelines actually had on business conduct?

- 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/>)