

The Complaint Procedure

The OECD Guidelines are the only government-supported international instrument for responsible business conduct with an integrated grievance mechanism. The National Contact Points (NCPs) in the adhering countries offer a non-adversarial mediation and conciliation platform for resolving complaints (“specific instances”) against alleged breaches of the Guidelines, thus taking an important step towards greater cross-border accountability of enterprises. Moreover, this is to promote observance of the Guidelines and create a broader understanding of their scope of application.

How and by whom can a complaint be filed against an enterprise?

Each and any individual or entity can file a complaint against an enterprise which allegedly breached the OECD Guidelines. The competent body is the NCP of the country in which the alleged breach took place. If there is no NCP in this country, the complaint is to be addressed to the NCP of the country in which the enterprise is headquartered.

What is the mechanism of the complaint procedure?

Initially, the NCP examines the complaint for its completeness, its relevance and the applicability of the OECD Guidelines in this specific instance. If the NCP finds that the issue raised merits further consideration, a mediation process will be initiated in an attempt to reconcile the complainant and the enterprise, to take a joint look at the allegations and ultimately reach an agreement. The objective of the specific instance procedure is to develop a sustainable solution within the meaning of the OECD Guidelines and improve business practices.

For more information on the specific instance procedure consult <http://www.oecd-leitsaetze.at>.

The Austrian National Contact Point

National Contact Points have been established in all adhering countries to offer dialogue and conciliation platforms on questions pertaining to the OECD Guidelines. In addition to conducting mediation procedures, they are in charge of enhancing the awareness and effectiveness of the OECD Guidelines and contributing to the resolution of issues and questions that arise in implementing the Guidelines.

How is the Austrian National Contact Point positioned?

The Austrian National Contact Point (German acronym: öNKP, for ease of understanding henceforth called Austrian NCP) is based within the Federal Ministry of Science, Research and Economy (German acronym: BMWFW). The competent organisational unit, and thus the first contact for questions on the Guidelines and their application, is C2/4a – Austrian National Contact Point for the OECD Guidelines for Multinational Enterprises. The Austrian NCP’s activity is supported by a Steering Committee composed of representatives of other ministries, stakeholder groups, civil society and one expert in consensual and non-adversarial procedures.

How does the Austrian National Contact Point enhance awareness of the OECD Guidelines?

The Austrian NCP provides information on the Guidelines and their application and regularly organises discussion fora aimed at entering into a dialogue with relevant stakeholders. In addition, the Austrian NCP is available for any enquiries concerning the application and relevance of the Guidelines and issues opinions on related questions. In case of complaints against alleged breaches of the OECD Guidelines, the Austrian NCP provides an impartial mediation and conciliation platform.

All decisions and activities of the Austrian NCP are made transparent and available online at <http://www.oecd-leitsaetze.at>

OECD Guidelines for Multinational Enterprises

The OECD Guidelines for Multinational Enterprises represent the most comprehensive government-supported instrument for promoting responsible business conduct in a global context. With this code the 35 OECD members as well as 13 other adhering countries encourage the positive contribution that multinational enterprises can make to sustainable development and help prevent the risks that may result from global business activities.

The Guidelines make recommendations for the conduct of international business focusing on an enterprise’s basic obligations as well as on transparency, human rights, employment and industrial relations, environmental protection, fight against corruption, consumer interests, science and technology as well as competition and taxation. Due diligence is a key concept in this context: enterprises should carry out risk-based due diligence to identify and prevent actual and potential adverse impacts of their business activity and take the necessary steps to cease that impact.

What is the relationship between the OECD Guidelines and applicable law?

The OECD Guidelines are recommendations for enterprises on how to act. They provide voluntary principles and supplement applicable law. The Guidelines involve common sense notions as to what is deemed to be an appropriate and fair conduct towards stakeholder groups and society.

For an enterprise where does responsibility begin, and where does it end? The OECD Guidelines give enterprises, stakeholders and civil society clarity on the issue and provide a common framework for responsible business conduct (RBC) applied on a global scale.

OECD Guidelines for Multinational Enterprises



General Policies



The General Policies Chapter establishes the framework for the specific recommendations in subsequent chapters and provides orientation for enterprises on the most important recommendations for action made in the OECD Guidelines. They include, as an enterprise's first duty, the obligation to comply with applicable national law followed by the need to carry out due diligence to identify and prevent actual and potential adverse impacts of its business activities as well as to encourage local capacity building and engage in stakeholder dialogues on responsible supply chain management.

Information Disclosure



The OECD Guidelines call upon enterprises to ensure that timely and regular information is disclosed on all material matters regarding their activities and the impact they may have. Disclosure policies of enterprises include financial information as well as social-, environment- and risk-related data and should be tailored to the nature, size and location of the enterprise.



Human Rights

Irrespective of the states' duty to protect human rights, enterprises have the responsibility to respect human rights in their locations, activities and along the entire supply chain. The Human Rights Chapter provides important criteria for enterprises on how to observe due diligence and prevent violations of human rights. The OECD Guidelines are consistent with the UN Guiding Principles on Business and Human Rights (Ruggie Principles).



Environment

The text of the Environment Chapter broadly reflects the principles and objectives of the most important international agreements in this area (Rio Declaration on Environment and Development, Agenda 21, Aarhus Convention). Enterprises are encouraged to avoid adverse impacts of their activities on the environment. To this end, the recommendations of the OECD Guidelines include the introduction of an efficient environmental management system as well as transparent environmental reporting on compliance with the precautionary approach. Moreover, enterprises are to develop contingency plans for emergencies.



OECD
GUIDELINES
FOR MULTINATIONAL
ENTERPRISES

The 10 Thematic Areas of the OECD Guidelines

Employment and Industrial Relations



The OECD Guidelines request observance of the core labour standards of the International Labour Organisation (ILO): freedom of association and negotiation, elimination of all forms of forced or child labour as well as non-discrimination in employment and occupation. Other recommendations concern an open approach to providing information on changes in an enterprise's operations as well as recommendations on the recruitment and training of local workers.



Combating Corruption

The recommendations of the OECD Guidelines on combating corruption are based on international agreements such as the OECD Convention on Combating Bribery. Enterprises should not, directly or indirectly, offer, promise, give, or request bribes. They should resist the solicitation of bribes and disclose their efforts made to combat acts of corruption.



Consumer Interests



The OECD Guidelines call upon enterprises to ensure fair business, marketing and advertising practices as well as the quality and reliability of the goods and services they provide – specifically with a view to complying with standards for consumer health and safety, furnishing transparent product information, establishing user-friendly systems for customer enquiries and respecting consumer privacy. The Consumer Interests Chapter draws, inter alia, on the work of the OECD Committee on Consumer Policy, the International Chamber of Commerce and the United Nations.



Science and Technology

The OECD Guidelines underscore the potential of enterprises for technology transfer across borders: research and development activities can help enhance the economic and social progress in the host countries, while opening up new commercial opportunities in these markets. With due regard to the protection of intellectual property rights and fair competition, enterprises should tap this potential through the transfer and rapid diffusion of technologies and know-how, e.g. by cooperation with local universities and research entities.

Competition



The recommendations of the OECD Guidelines on the protection of fair competition comprise compliance with all applicable competition laws and regulations taking into account the competition laws of all host jurisdictions. For this purpose enterprises are requested, inter alia, to refrain from entering into anti-competitive agreements and to cooperate with investigating competition authorities.

Taxation



It is important that enterprises contribute to the public finances of host countries by making timely payment of their tax liabilities. Tax revenue is used to finance public services such as education systems, infrastructure and healthcare facilities of which, in turn, the enterprises benefit. The recommendations of the OECD Guidelines relate in particular to compliance with tax laws, the inclusion of such compliance in risk management systems and the provision of information to tax authorities.