

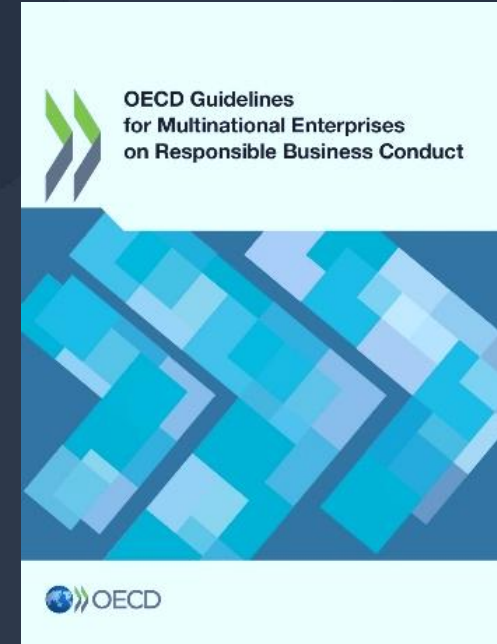
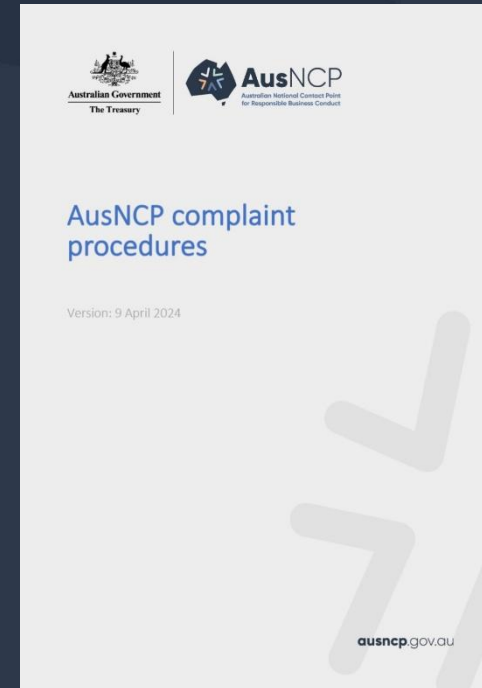


Promoting Human Rights through the Supply Chain

Presentation to Diplomacy Training Program
Webinar

18 September 2025

Independent Examiner John Southalan



Guidelines: origins & obligations

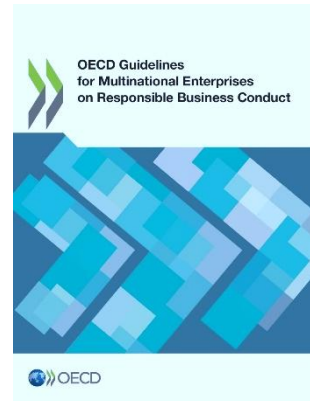
Contained in 1976 [Declaration on International Investment and Multinational Enterprises](#) (amended 2023).

- In the Declaration, governments ‘recommend to multinational enterprises operating in or from their territories the observance of the Guidelines’:

OECD members and others (52 nations) ‘adhere to’ the [OECD Guidelines](#), including:

- 1 • ‘encourage the enterprises operating in or from their territories to observe the Guidelines wherever they operate’: I, [3];
- 2 • ‘...set up National Contact Points ...to... (a) promote awareness ...[and] support ... coherence of policies to promote responsible business conduct’: Decision, I, [1]
- 3 • ‘The NCP will...contribute to the resolution of issues that arise relating to the implementation of the Guidelines in specific instances’: Procedures, I, C.

≈ grievance mechanism



What do the OECD Guidelines cover?



Disclosure



Environment



Science
Technology and
Innovation



Human
Rights



Combatting Bribery
and Other Forms of
Corruption



Competition



Employment
and Industrial
Relations



Consumer
Interests



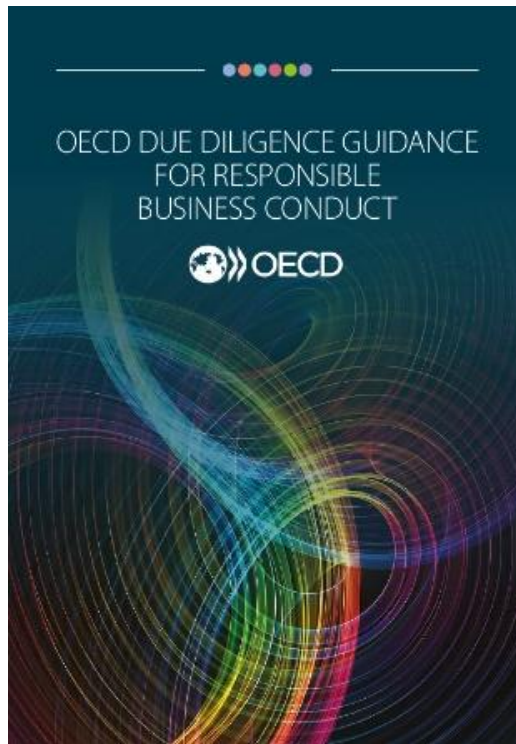
Taxation

OECD sectoral guidances: expectations of company

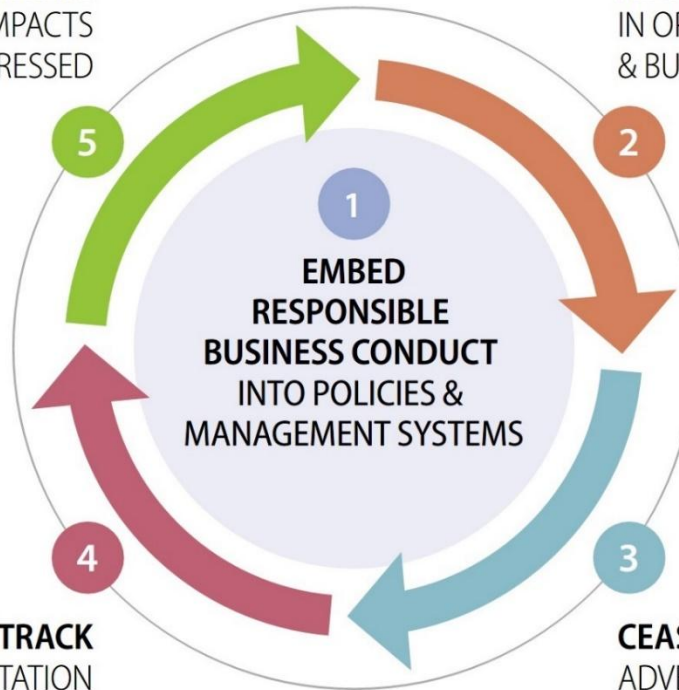
 <p>OECD DUE DILIGENCE GUIDANCE FOR RESPONSIBLE BUSINESS CONDUCT</p> <p>OECD</p> <p><u>General</u></p>	 <p>RESPONSIBLE BUSINESS CONDUCT</p> <p>Due Diligence for Responsible Corporate Lending and Securities Underwriting</p> <p>Key considerations for banks implementing the OECD Guidelines for Multinational Enterprises</p> <p>OECD</p> <p><u>Lenders</u></p>	 <p>OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector</p> <p>OECD</p> <p><u>Extractives</u></p>	 <p>OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector</p> <p>OECD</p> <p><u>Textiles & Footwear</u></p>
 <p>RESPONSIBLE BUSINESS CONDUCT</p> <p>Responsible business conduct for institutional investors</p> <p>Key considerations for due diligence under the OECD Guidelines for Multinational Enterprises</p> <p>OECD</p> <p><u>Investors</u></p>	 <p>OECD-FAO Guidance for Responsible Agricultural Supply Chains</p> <p>OECD</p> <p>Food and Agriculture Organization of the United Nations</p> <p><u>Agriculture</u></p>	 <p>OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas</p> <p>THIRD EDITION</p> <p>OECD</p> <p><u>Mining</u></p>	 <p>G20/OECD Principles of Corporate Governance</p> <p>OECD</p> <p><u>Corporate Governance</u></p>

Due diligence and OECD guidance

DUE DILIGENCE PROCESS & SUPPORTING MEASURES



COMMUNICATE
HOW IMPACTS
ARE ADDRESSED



**IDENTIFY & ASSESS
ADVERSE IMPACTS**
IN OPERATIONS, SUPPLY CHAINS
& BUSINESS RELATIONSHIPS



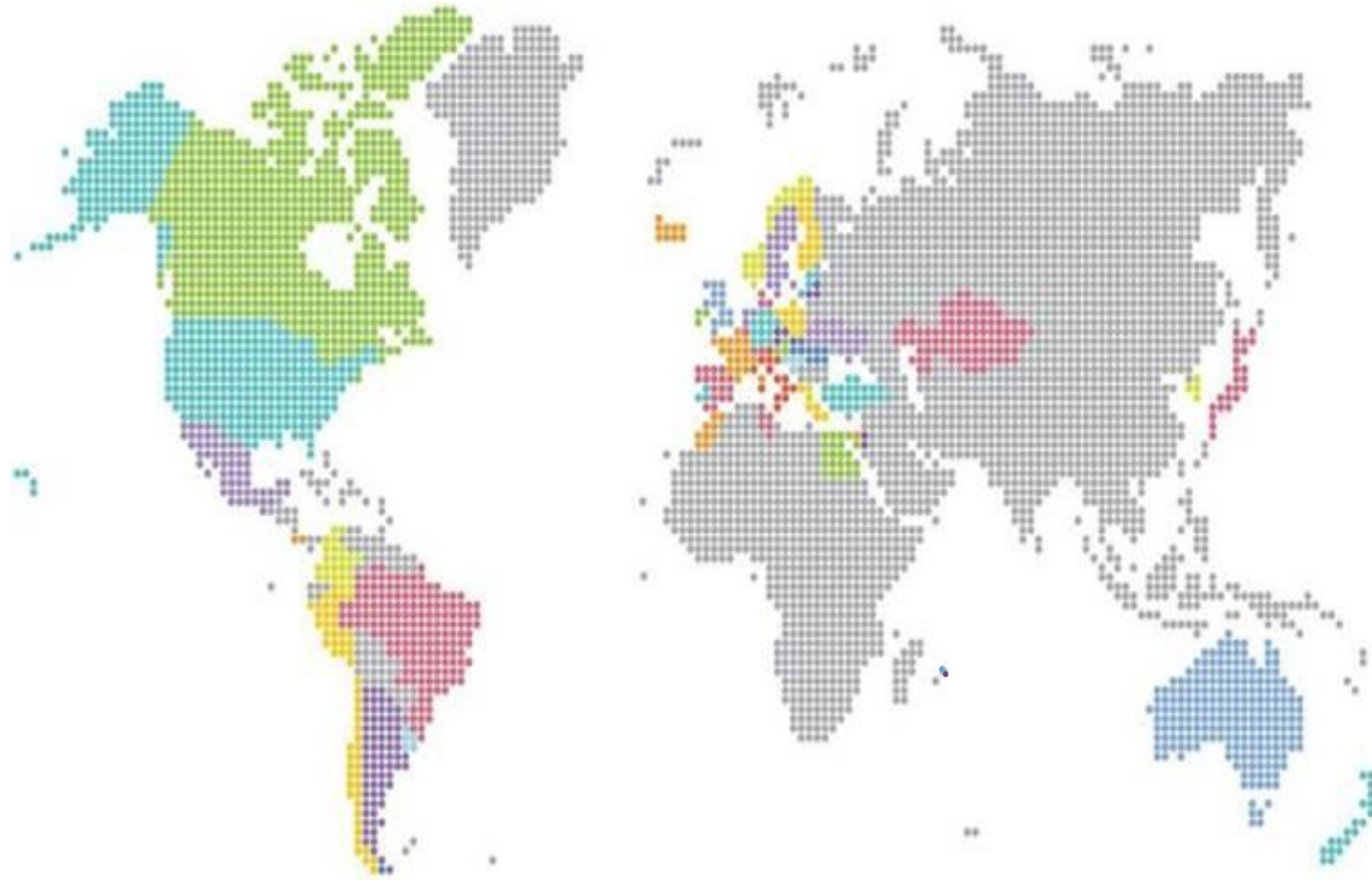
**6 PROVIDE FOR OR
COOPERATE**
IN REMEDIATION
WHEN APPROPRIATE

TRACK
IMPLEMENTATION
AND RESULTS

CEASE, PREVENT OR MITIGATE
ADVERSE IMPACTS

From page 21 of [Due Diligence Guidance for Responsible Business Conduct](#)

To whom do they apply?



“Multinational enterprises operating from, or in adherent countries”

National Contact Points (NCPs)

Declaration on International Investment and Multinational Enterprises (1976)

Part II = Implementation Procedures

- Since 2000, Governments are required to have a National Contact Point ('NCP') for implementation
- Primary roles:
 1. Act as non-judicial grievance mechanism to resolve “specific instances” = **complaints/cases**
 2. **Promote** the OECD Guidelines
 3. Coordinate with other Government agencies and support efforts by Government to develop, implement & foster **coherence of policies** to promote Responsible Business Conduct

Australian NCP - unique structure



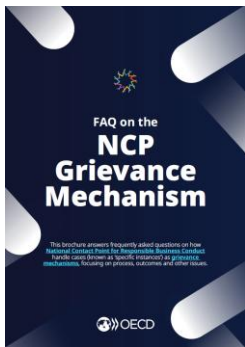
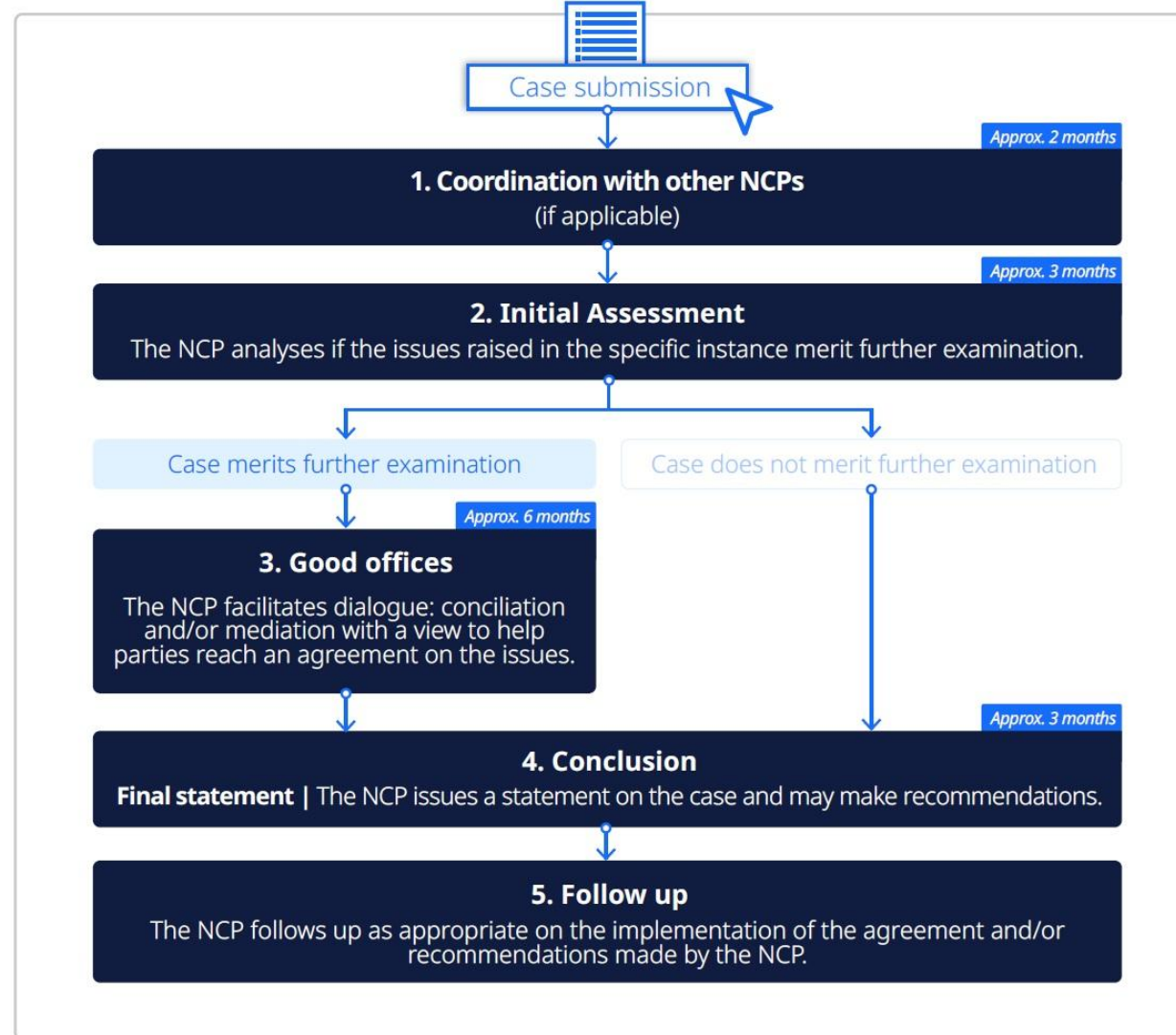
Secretariat [Treasury] - helps resolve complaints against multinational enterprises (including case allocation – capacity, conflicts checks and publication of Statements) and represents Australia in international forums on responsible business conduct.

Independent Examiners – [experts contracted to Treasury] provide independent evaluation to assess and manage complaints; liaise with parties; provide good offices and follow up; make recommendations and decisions, write Statements; raise awareness of AusNCP functions and promote responsible business conduct

Governance and Advisory Board [8 members representing the Australian Gov & 8 members representing business, civil society and trade unions] – give advice on complaints; promote responsible business conduct standards.

NCP 'specific instance' process and case examples

Guidelines: specific instance process



From page 5 [OECD FAQ on the NCP Grievance Mechanism](#)

Possible outcomes

(images from OECD Watch 'Stage one: Deciding whether to file')

Actions / activities by company responding to harm

COMPANY ACTIONS TO REMEDY HARM		COMPANY ACTIONS TO PREVENT HARM	
	Rehabilitate environmental damage		Apologise publicly
	Committing to not repeat the harm in future		Establish a company-level complaints mechanism
	Rehire workers fired unfairly		Adopt measures to prevent future harm
	Investigate and report publicly on the harms		Align company targets with international standards
	Repair damaged infrastructure		Improve human rights and environmental policies and practices
	Strengthen ongoing community engagement		
	Return land or property unjustly taken		
	Provide monetary compensation		
OPEN DOOR FOR DISCUSSION			
Open door for discussion between the complainants and company on the same or similar issues in the future.			

NCP ACTIONS

The NCP can include in its public final statement:

Recommendations	Determinations	Consequences
Suggest what the company should do moving forward to better align its conduct with the Guidelines' standards.	Explain why the company did or did not meet the Guidelines' standards.	Ask other ministries to penalise or withhold benefits from the company if it did not observe the Guidelines' standards or participate in good faith in the complaint process.
Recommendations and determinations are useful to ensure that the company aligns its future policies and practices with the Guidelines to ensure no future repetition of similar harms.		

1. NCP public statement

ACTIONS BY OTHERS

Complaint publicity may generate impactful action by others:

Media	Government
Media attention may open new doors to dialogue and remedy.	Government officials may issue sanctions against the company, strengthen related policy or law, or take other steps.
Investors	Other companies
Investor pressure may prompt companies to improve.	Business relations or peer companies in the sector may be encouraged to improve their own conduct.

2. Action by other parties

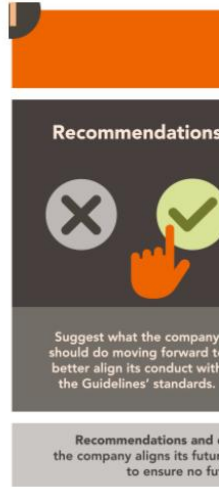
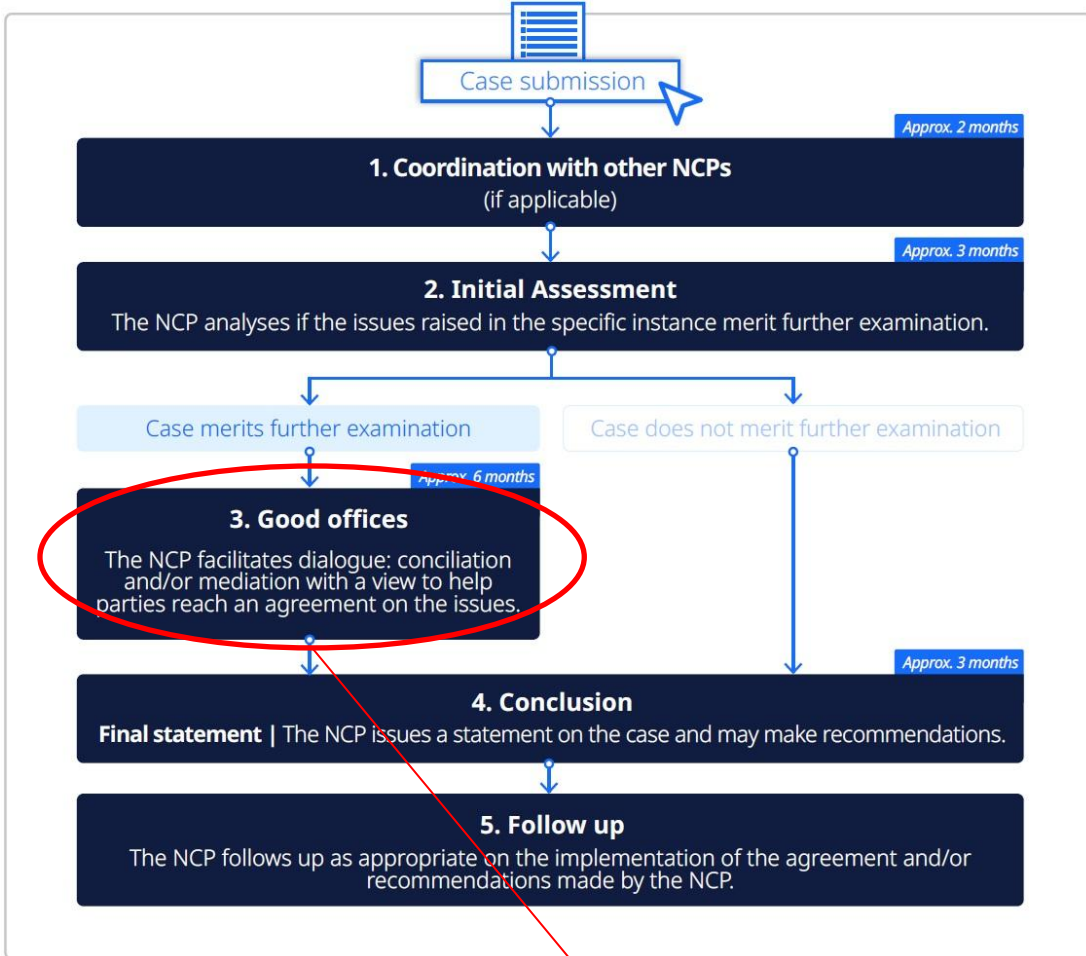
3. Broader benefits

STRENGTHENED CIVIL SOCIETY

Communities have better access to dialogue with the company or other influential entities.	Collaboration is increased between local, national, and international civil society working on related issues.	Communities are more organised in their struggle for justice.

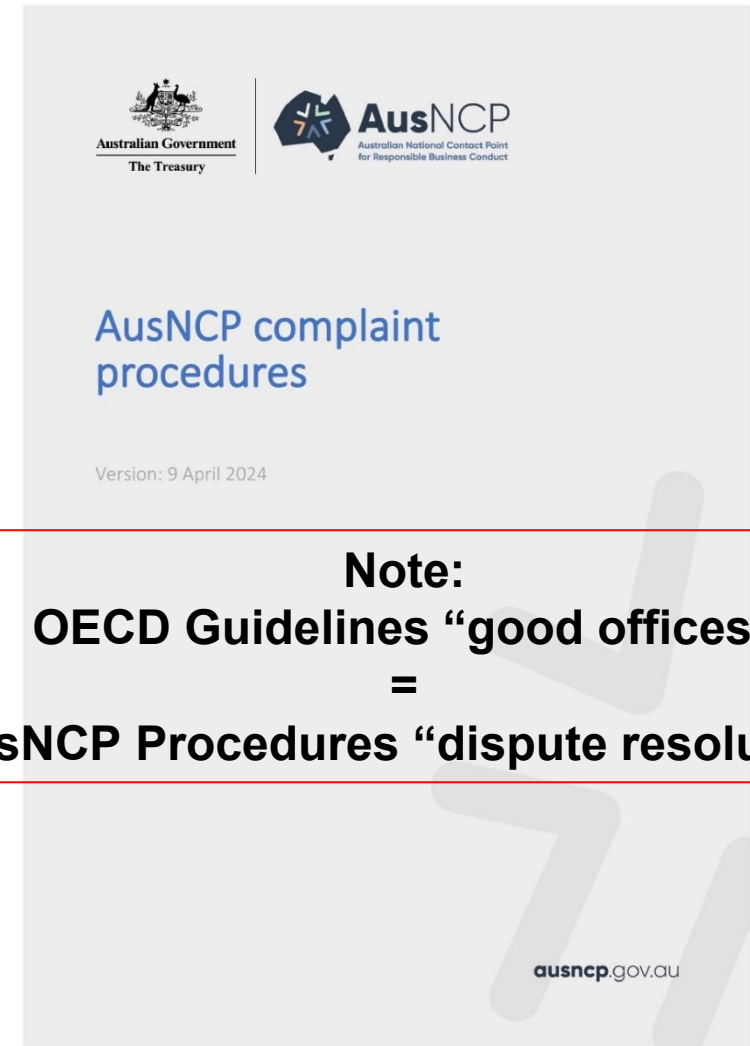
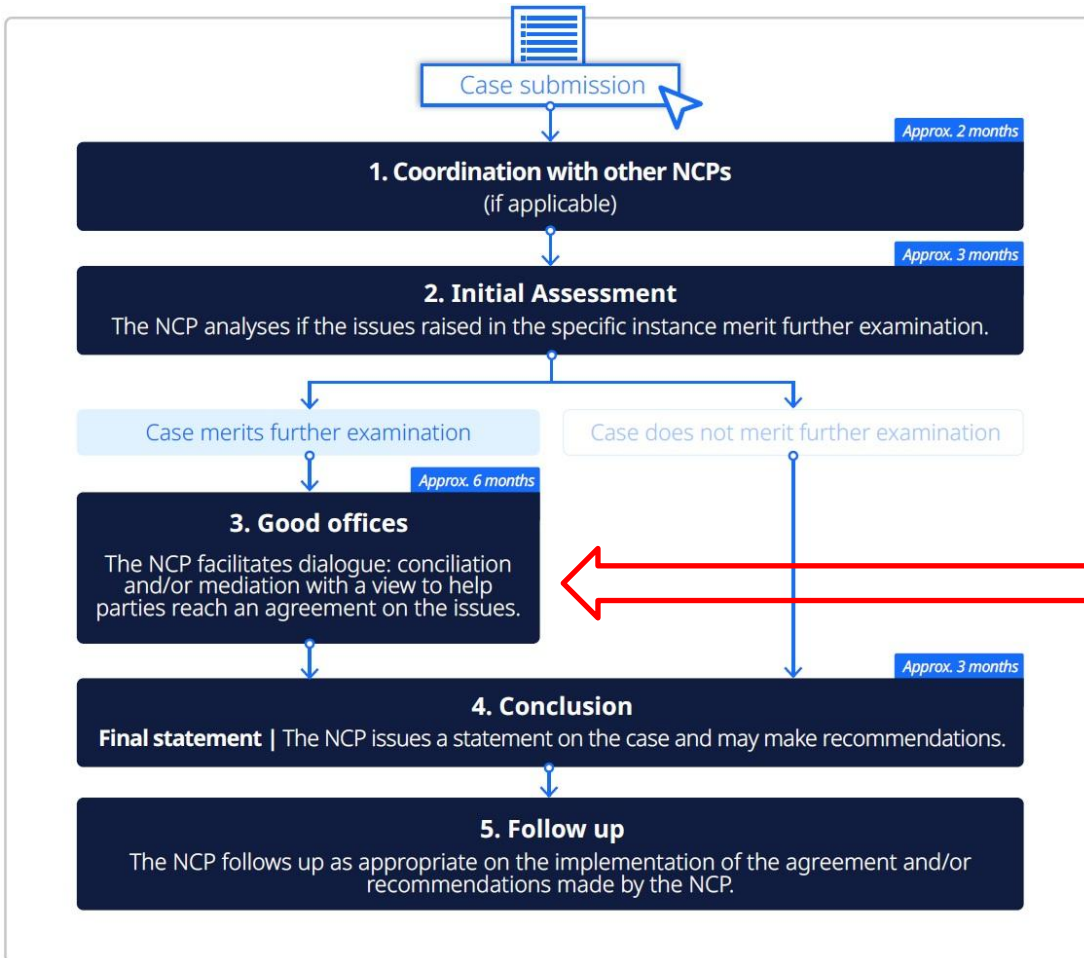
Possible outcomes

Actions / activities by company responding to harm



Only path for direct action from company from 'good offices' = company agreement

OECD Guidelines and AusNCP process

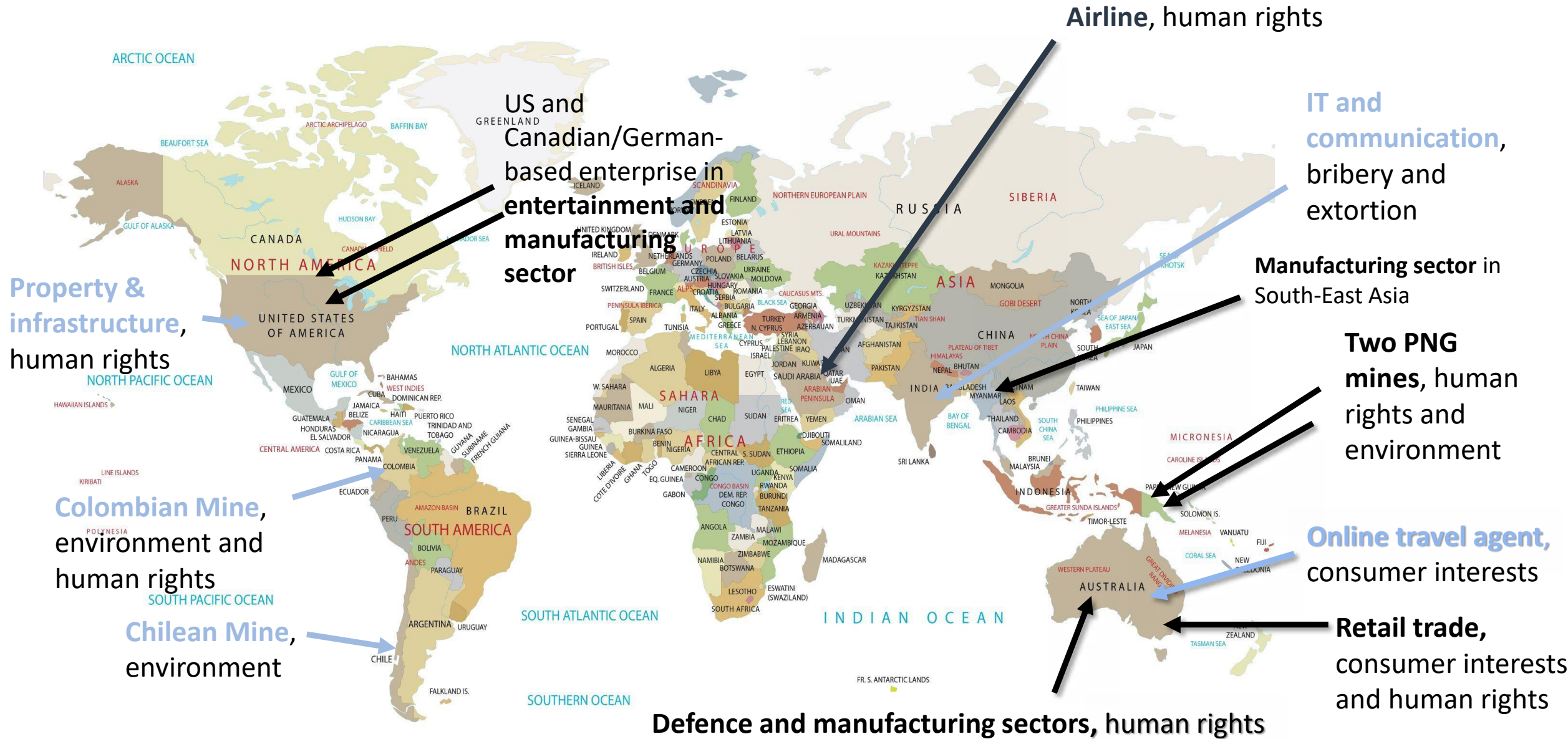


Note:
OECD Guidelines “good offices”
=
AusNCP Procedures “dispute resolution”

Overview of AusNCP complaints received since 2005



Open and recent AusNCP Complaints



Complaint tracking



Complaints ▾ Responsible business conduct ▾ What's happening ▾

Track complaints

The AusNCP handles complaints about alleged non-observance of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. A list of active and closed complaints is available below.

Active complaints Closed complaints

Active complaints

ID	Notifier	Enterprise	Activity location	Status	Statements
Complaint 38 Received: August 2025	Individual on behalf of affected individuals	Australia-based enterprise (manufacturing)	Australia and Malaysia	Initial Assessment	
Complaint 37 Received: June 2025	Individual	USA-based enterprise (Arts, entertainment and recreation); Canada-based enterprise (Arts, entertainment and recreation); Australia-based enterprise (Arts, entertainment and recreation)	Multiple	Initial Assessment	
Complaint 36 Received: May 2025	Individual	USA-based enterprise (manufacturing); Germany-based enterprise (manufacturing)	Multiple	Initial Assessment	
Complaint 35 Received: April 2025	Individual	Australia-based enterprise (conglomerate)	Australia	Initial Assessment	
Complaint 30 Received: December 2021	Marque Lawyers on behalf of affected individuals	Qatar Airways	Qatar	Final Statement On hold	Update Statement - January 2025

- Complaints
- Complaints process
- Submit a complaint
- Track complaints
- Independent examiners

From the [AusNCP Track Complaints page](#)

AusNCP examples

Parties reach **agreement outside NCP process**:

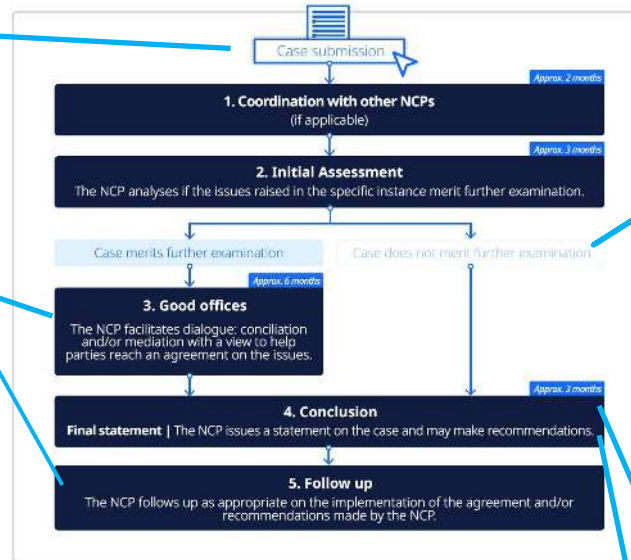
- [Parella Law](#), [33]-[35]
- [Justicia y Reparación](#), [17]-[23]

Parties reach **agreement within 'good offices'**:

- [Ansell Ltd](#), p9
- [ANZ \(Cambodia\) FuS](#), [17]-[23]

Final Statement (where GO don't agree) can include observations, eg:

- **recommend company improve governance & procedures**: [ANZ \(Cambodia\) FS](#), [46]-[48]
- **Company's actions were consistent with Guidelines**: [ANZ \(FoE\) FS](#), [64] & [70]-[72]; [AusLabS](#), [54]-[57]
- Other information contrary to complaint, so no conclusions re co'y compliance: [ElectraNet FS](#), [62]



Reasons against further examination can include:

- Notifier not shown how company caused harm: [Deutsche Bank](#), [7.3.1]
- Position and statements of notifier: [BHP \(Hedland\)](#), [52]
- Notifier **not demonstrated adequate interest/connection with issues under Guidelines**, or not substantiated them: [BHP \(Hedland\)](#), [17], [19], [23] & [52]
- **Company is addressing everything within Guidelines, so little relevant for GO**: [BHP \(Hedland\)](#), [27] & [36]
- **Notifier does not agree to good offices**: [BHP \(GLAN\)](#), [26]-[27], or withdraws complaint: [SAVEducation \(India\)](#), [25]
- Notifier not raised issues materially different from previous NCP matter: [Coca Cola](#), [25]-[28]

Final Statement (where company not engage) can include observations, eg:

- **company's actions inconsistent with Guidelines (eg. no HR policy, inadequate DD)**: [Mallee Resources](#), [128]; or **identified actions not inconsistent with Guidelines**: [PanAust](#), [3] & [94]
- **failure to engage/show Guidelines compliance is problematic**: [ElectraNet FS](#), [54] & [61]
- encourage company apology & compensation: [Mercer PR](#), [49]
- **recommend company action** eg. (1) **develop HR policy, and use leverage/influence on others to address impacts** [Mallee Resources](#), [130]; (2) **develop training & procedures** [Mercer PR](#), [49]; (3) **disseminate relevant information**: [PanAust](#), [69]-[73]; (4) **familiarisation with Guidelines** [ElectraNet FS](#), [63]

Databases of NCP cases

OECD NCP for Responsible Business Conduct Database

The screenshot shows the top navigation bar of the OECD website with links for Topics, Countries & regions, Publications, Data, News & events, About, and a search icon. Below the navigation bar, the breadcrumb trail reads: OECD > Networks > National Contact Points for Responsible Business Conduct > Database. The main heading is "National Contact Points for Responsible Business Conduct Database".

This screenshot shows the search interface of the OECD NCP Database. It includes a search bar with the placeholder text "Enter text, keyword, a reference". Below the search bar, there are filter buttons for "National Contact Points", "Database", and "Peer reviews". The text "Welcome to the database of specific instances" is displayed. A "680 results" indicator is visible. There is also a "Filters" section with a list of filter categories.



The screenshot shows the "OECD Case Law Analysis" interface. The heading is "OECD Case Law Analysis" with the subtext "Explore our corporate human rights and environmental analysis through OECD case law. Use the search box and the filters below to narrow your search." Below this is a world map with blue circular markers indicating case locations across various continents. At the bottom, there is a search bar with the placeholder "Type to search...", a "Filters" button, and a "Search" button.

Friedrich-Alexander-University OECD Case Law Analysis

OECD Watch Complaints Database

The screenshot shows the "Complaints database" interface. The top navigation bar includes "Complaints", "Complaints database", "OECD & NCPs", "News & publications", and "About us". The main heading is "Complaints database". Below the heading, there is a search bar and a filter section with options for "Countries of harm" and "NCP". A world map with orange circular markers is displayed. Below the map, there is a "Search for a complaint" section with a search bar and a "Filters" section with dropdown menus for "Complainants", "Companies", "Countries", "NCP's", "Sectors", "Affected people", "Keywords", "Process elements", and "OECD Guidelines".

Material from OECD Watch

Europe-based NGO (global network) has [excellent guide about NCP complaints](#)

Includes detail on:

- Whether to file a complaint
- Preparing complaint
- Addressing initial assessment criteria
- Engaging in mediation



Complaints

Complaints database

OECD & NCPs

News & publications

About us

[Home](#) > Complaints

Complaints

All of OECD Watch's web pages under **complaints are also available in a single document in **English, French, and Spanish.****

ES: Todas las páginas web de OECD Watch relacionadas con las quejas también están disponibles en un solo documento en **inglés, francés y español.**

FR: Toutes les pages Web d'OECD Watch consacrées aux plaintes sont également disponibles dans un seul document en **anglais, français et espagnol.**

You can file a complaint under the OECD Guidelines against a company you feel has not met the Guidelines' standards. While the Guidelines and complaint system are voluntary for companies, you have higher chances of achieving remedy and promoting better business conduct if you follow OECD Watch's advice here, including on embedding your complaint in a broader strategy for justice.

Complaints

- Stage one: Deciding whether to file
- Stage two: Preparing and filing the complaint
- Stage three: Coordination between NCPs
- Stage four: Initial assessment
- Stage five: Mediation
- Stage six: Final statement
- Stage seven: Follow-up

Other filing considerations

- NCP parallel proceedings
- Transparency and

Summary

1. Guidelines NOT judicial remedy mechanism

- Not an enforcement process
- Focus is business (not government) consistency with Guidelines
- That consistency may result from domestic regulation or company action/policies

2. Many factors contribute to any NCP outcome

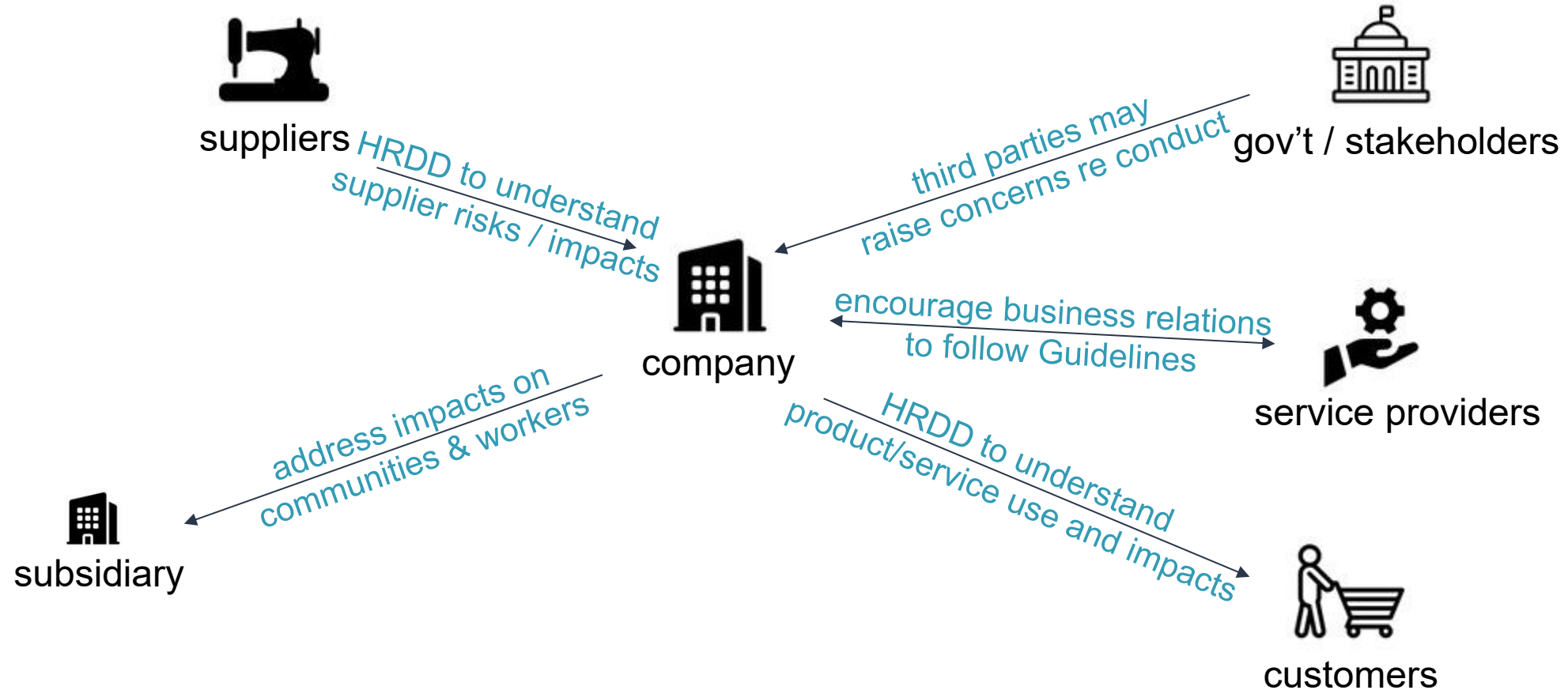
- Good offices = dialogue / mediation process (engagement)
- Remedial action by the enterprise depends on enterprise's agreement
- Developments outside good offices can assist ('recommendations', 'follow up')

3. Stay current with NCP developments/statements

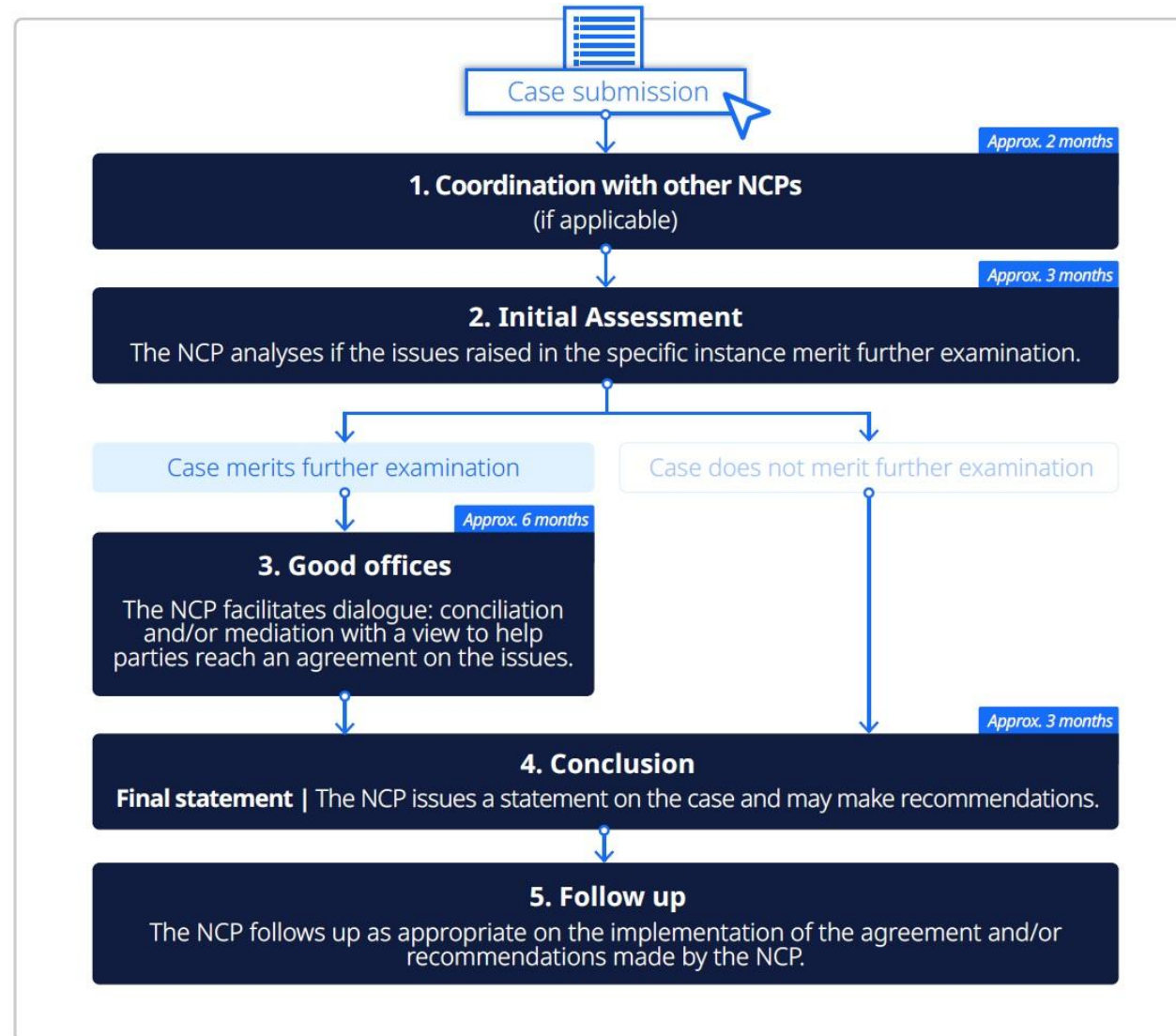
- Databases OECD's RBC Centre, OECD Watch, FAU
- Each particular NCP (its procedures, recent statements)

NCP case examples about supply chain and human rights

NCP cases & supply chain issues: summary



NCP cases relevant to supply chain issues



NCP cases relevant to supply chain issues

Agreement through 'good offices'

- Enterprise **paying 'compensation'/'contribution'** to notifiers regarding actions of subsidiary/customer (stating no legal liability to do so): [AUS 2020](#), 4-6; [NLD 2017](#), 5
- Enterprise's subsidiary **re-hiring workers**: [AUS 2017](#), 8-9
- Enterprise **agrees measures it has/will take for consistency with Guidelines**, incl:
 - procedures on operating in conflict areas: [NLD 2017](#), 4
 - amending policies to recognise Indigenous rights/FPIC in subsidiary operations or expectations of customers: [CHE 2019](#), 2; [NOR 2011 Cermag](#), [10]
 - intend to strengthen Indigenous rights in own business contexts w/ suppliers & clients: [DEU 2023](#), [10]
- Arrangements between enterprise and notifier **for future monitoring of websites to avoid misleading material** and enable deletion of material violating environmental provisions: [POL 2019](#), 7

Improvements outside NCP process

- Enterprise **paying 'compensation'/'contribution'** about employment practices or impacts from subsidiary (usu. stating no legal liability to do so): [CHL 2020](#), 10-12; [AUS 2009](#), 15
- Enterprise **directly remedying matters** after complaint lodged with NCP:
 - **either entirely**: [DEU 2014](#) (subsidiary work practices); [KOR 2024](#) (subsidiary online transactions); [AUS 2024](#), [12] (gaining refund from supplier)
 - **or partially**: [GBR 2016 ENRC](#), [7] (restoring water supply impacted by mining of business relation); [AUS 2021](#), [71] reporting & commitments re GHG emissions)
- **Government / other stakeholders engage (re impact)** with enterprise about use of its products: [NLD 2016](#), 3-4

NCP observations on company compliance

Inconsistent

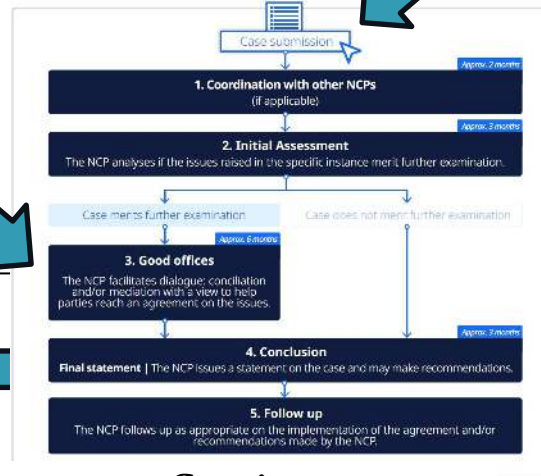
- **Inadequate impact assessment and stakeholder engagement**, incl: info to affected communities ([AUS 2023 PanAust](#), [73]; [GBR 2016 ENRC](#), [69]-[71]), insufficient engagement w Indigenous groups ([NOR 2011 Intex](#), 28-29)
- **Inadequate due diligence**, incl subsidiary new customer w known HR issues ([AUS 2018](#), [37]-[38]), solely depending on government export controls ([GBR 2016 Gamma](#), [62]-[68]), publicly known conditions of suppliers ([DNK 2016](#), 6 & 8), prior to divesting ([AUS 2023 Mallee](#), [100]), inadequate disclosure ([AUS 2025](#), Annexe E)
- Response to linked impacts incl: **not using leverage** ([DNK 2024](#), 5 – rectified in follow-up [DNK 2025](#)), **not evident** ([GBR 2016 Gamma](#), [62]-[67])

Consistent

- Investor's **leverage & actions was sufficient** (despite ongoing impacts on ground): [NLD 2013](#), 8
- Telecom co. **adequate DD of subsidiary and operations in conflict area**: [NOR 2022](#), 19-22 & 27-28
- **Adequate workplace health & safety practices** (and grievance responses): [AUS 2019](#), [55]-[57]

NCP recommendations

- Guidelines **applicable to both the supply chain and distribution chain**: [NLD 2016](#), 5
- **compensation is not an alternative to FPIC**: [AUS 2023 PanAust](#), [120] & [99]
- **insufficient to rely solely on auditing** (of suppliers' workplace and practices) to ensure consistency with Guidelines: [DEU 2018](#), [48]
- **use leverage to ensure business relations / subsidiary companies observe** relevant Guidelines' expectations ([FRA 2016](#), 5; [GBR 2016 ENRC](#), [82]; [ESP 2022](#), 8)
- continue to **provide necessary technical support for proposed mitigation** by SOE client consistent with Guidelines: [ITA 2017](#), [77]-[78]
- enterprise **entering merger/acquisition should conduct HRDD** including stakeholder engagement and assess role re effective remedy: [NOR 2025](#), [5]-[6]



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References - 1

- AUS 2025 NCP Australia, *Complaint by Evangelical Lutheran & others against Newcrest Mining & Harmony Gold*, Final Statement, 29 August 2025 <<https://ausncp.gov.au/complaints/complaint-31>>
- AUS 2024 NCP Australia, *Complaint by J Vecchio against Flight Network / Gotogate*, Final Statement, 9 December 2024 <<https://ausncp.gov.au/complaints/complaint-33>>
- AUS 2023 PanAust NCP Australia, *Complaint by Project Sepik & others against PanAust Ltd*, Final Statement, 3 October 2023 <<https://ausncp.gov.au/complaints/complaint-29>>
- AUS 2023 Mallee NCP Australia, *Complaint by Publish What You Pay & others against Mallee Resources*, Final Statement, 29 March 2023 <<https://ausncp.gov.au/complaints/complaint-27>>
- AUS 2021 NCP Australia, *Complaint by Friends of the Earth & others regarding ANZ Group*, Final Statement, 15 December 2021 <https://ausncp.gov.au/sites/default/files/2021-12/AusNCP_Final_Statement_Friends_of_Earth_0.pdf>
- AUS 2020 NCP Australia, *Complaint by Equitable Cambodia & others regarding ANZ Group*, Follow Up Statement, 27 February 2020 <<https://ausncp.gov.au/complaints/complaint-11>>
- AUS 2019 NCP Australia, *Specific Instance by Y Traoré & others against Australian Laboratory Services*, Final Statement, 8 March 2019 <<https://ausncp.gov.au/complaints/complaint-13>>
- AUS 2018 NCP Australia, *Specific Instance by Equitable Cambodia & others regarding ANZ Group*, Final Statement, 27 June 2018 <<https://ausncp.gov.au/complaints/complaint-11>>
- AUS 2017 NCP Australia, *IndustriALL Global Union & others against Ansell Ltd*, Final Statement, June 2017 <<https://ausncp.gov.au/complaints/complaint-9>>
- AUS 2009 NCP Australia, *BHP Billiton – Cerrejon Coal Specific Instance*, Statement, 12 June 2009 <<https://ausncp.gov.au/complaints/complaint-3>>

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Thank you

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