



The OECD Guidelines, the UN Guiding Principles and other RBC standards

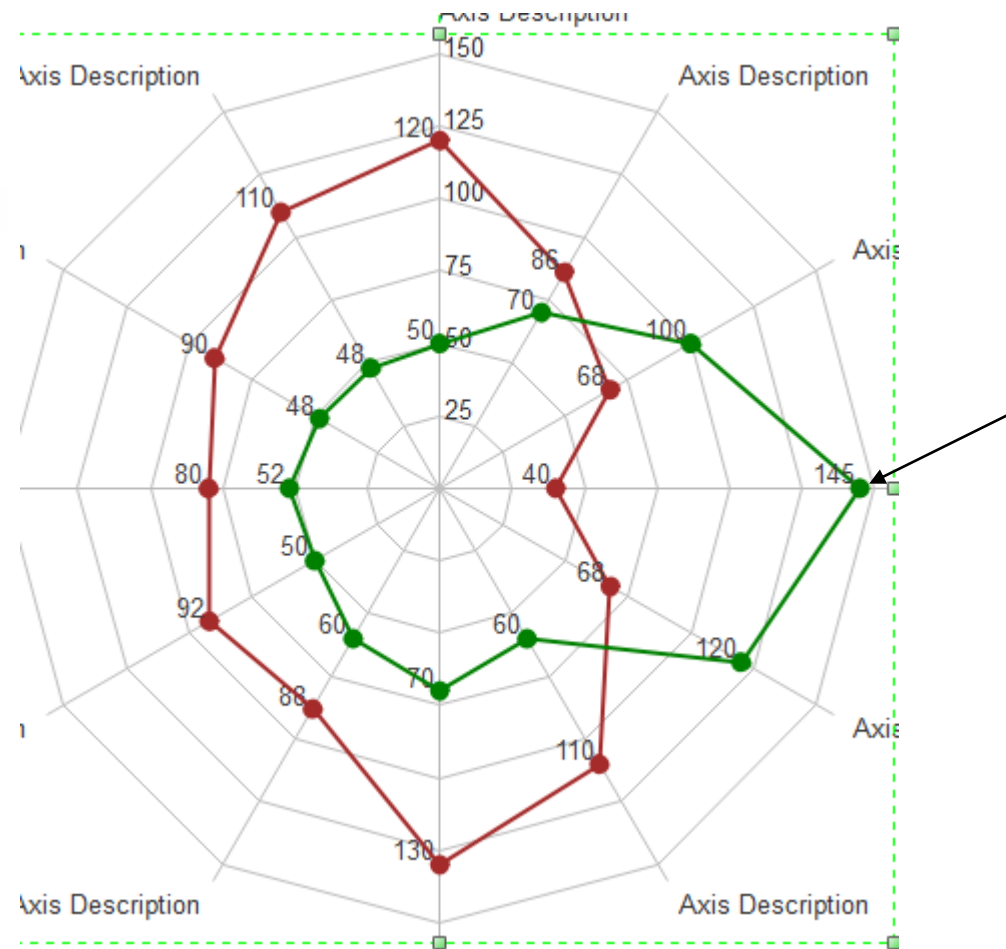
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**SECOND BUDAPEST CONFERENCE
RESPONSIBLE BUSINESS CONDUCT
& THE OECD GUIDELINES FOR MULTINATIONAL
ENTERPRISES**

18 November 2016



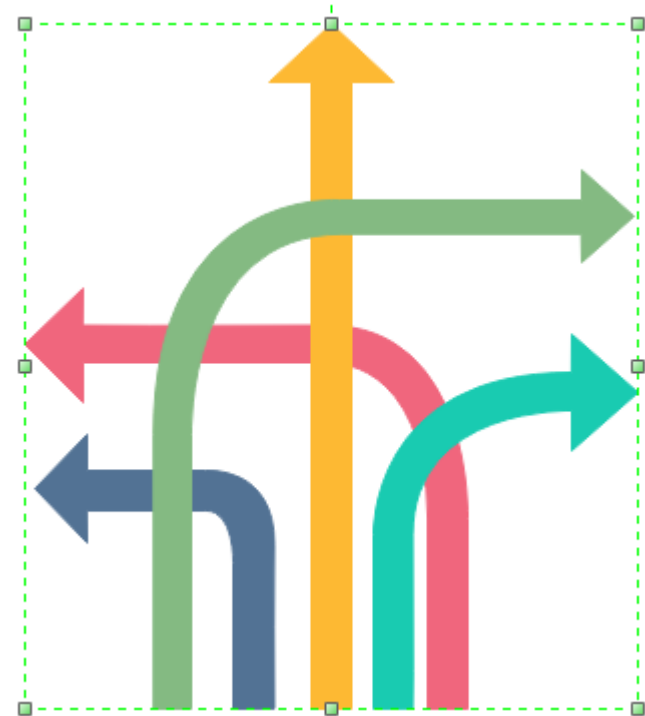
Where are we on Responsible Business Conduct issues 2016?



Human Rights



Where will we be on Responsible Business Conduct issues 2020?





RBC Connections





Related International Standards ... Keeping an Eye on Relevant Developments

❑ **ISO 26000 Guidance on Social Responsibility**

- Review in 2017
- Linkage document with OECD Guidelines & UNGPs - forthcoming

❑ **Other relevant ISO standards**

- ISO 14001 **Environmental management systems**
- ISO 45001 **Occupational Health and Safety**
- ISO 37101 **Sustainable development of communities - Management systems**
- ISO 37001 **Anti-bribery management systems** – just published
- ISO 20400 **Sustainable Procurement** – Guidance – under development
- ISO **Collaborative business relationship management systems** – Framework – under development



Related International Standards ... Keeping an Eye on Relevant Developments

- ❑ **ILO Tripartite Declaration** of Principles Concerning Multinational Enterprises and Social Policy (**MNE Declaration**)
 - Under revision for March 2017
 - Due diligence provisions
 - Possible national focal points?

- ❑ ILO work programme on **decent work in global supply chains** –
 - A new instrument forthcoming?

- ❑ **Understanding workers' rights in the framework of due diligence** – ILO Training Centre in Turin
 - Example of increasing references to and use of due diligence concepts



Related International Standards – Understanding how they all fit together



A comparison of 4 international guidelines for CSR

OECD Guidelines for Multinational Enterprises

ISO 26000 Guidance on Social Responsibility

UN Global Compact

UN Guiding Principles on Business and Human Rights



Updates on Developments around Access to Remedy

□ OHCHR Accountability and Remedy Project – Part I – State-based Judicial Mechanisms (June 2016)

- Guidance for States to improve corporate accountability and access to judicial remedy for business-related human rights impacts
 - Focus on: Public law (criminal & administrative) and private law claims
 - Series of recommendations on steps to take to improve the effectiveness of State-based judicial mechanisms
 - Including taking appropriate account of due diligence

□ OHCHR Accountability and Remedy Project – Part II – State-based Non-Judicial Mechanisms (2017 -)

- Will not specifically focus on the NCPs but will be useful
- Watch this space...



Updates on Developments around Access to Remedy

- ❑ **Council of Europe Recommendation on Human Rights and Business (2016)**
 - Sections on access to remedy

- ❑ **EU Council Conclusions on Business & Human Rights (June 2016)**
 - *“The Council calls on the Commission to address remedies in the forthcoming EU Action Plan on Responsible Business Conduct, including at EU legislative level as appropriate, and to consider providing guidance to Member States in this regard.”*

- ❑ **EU Fundamental Rights Agency**
 - forthcoming opinion on barriers to access to remedy at the EU level



Updates on Developments around Access to Remedy

□ Learning lessons from other avenues?

- International Accountability Mechanisms of international and bilateral development banks
 - Working on guidance about protecting claimants
- Ombudspersons
- Initiatives to provide mediation around company – community conflicts



Updates on Developments about Access to Remedy

□ International Criminal Court

- New policy on prosecutorial discretion in the selection and prioritisation of cases for investigation and prosecution under the Rome Statute
- Will consider the social, economic and environmental damage inflicted on the affected communities and will give particular consideration to crimes that result in
 - the destruction of the environment
 - the illegal exploitation of natural resources
 - the illegal dispossession of land



Keeping an Eye on National Developments

- ❑ National Action Plans on Business and Human Rights
 - What commitments, if any, are being made on access to remedy? On OECD NCPs?
 - [See: Business and Human Rights Resource Centre website on National Action Plans](#)

- ❑ National Legislation
 - UK Modern Slavery Act
 - France – draft Due Diligence Law
 - Swiss referendum



New Drivers – Big Scale

□ SDGs



□ Climate Change



United Nations
Framework Convention on
Climate Change



New Drivers – Medium Scale

□ Reporting

- EU Non-Financial Reporting Directive –
 - national legislation & non-binding guidance - should be coming on line December 2016
- Integrated Reporting Initiative (IR), Global Reporting Initiative (GRI), Sustainability Accounting Standards Board (SASB), UN Guiding Principles Reporting Framework (UNGRPF)

□ Benchmarking

- More specific assessments of corporate performance on issues covered by the Guidelines
- Carbon Disclosure Project, Corporate Human Rights Benchmark, Transparency International



New Drivers – Medium Scale

- Involvement of professional organisations, particularly diving into the business and human rights space
 - Lawyers
 - Example: recent International Bar Association Guide on Business and Human Rights
 - Accounting
 - Chartered Global Management Accountant Guide on Business & Human Rights
 - Auditing ...



Leveraging other developments to improve NCP processes?

- ❑ Interest of investors in specific instance outcomes
 - Investor use of specific instances:
 - Ready to take NCP findings into account in their engagement & decision-making on investments – but need for investors to have a consistent quality of findings
 - NCPs can leverage investor interest to bring parties to the table

- ❑ Developing landscape around corporate liability
 - Will that make NCPs more attractive or less attractive?

- ❑ More and more information available about how companies are addressing issues under the Guidelines
 - How can that be used to improve outcomes?