HOW TO COMPLAIN ABOUT A BUSINESS-RELATED HUMAN RIGHTS VIOLATION?

A guide to National Contact Points (NCPs) for the OECD Guidelines for Multinational Enterprises

If a multinational enterprise (company) is implicated in harm to people or the environment through its business activities, and it operates in or is headquartered in a country that follows the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, you may be able to file a complaint (known as a "specific instance") with a National Contact Point (NCP).

Understanding the OECD Guidelines and NCPs

WHAT ARE THE OECD GUIDELINES?

The Organisation for Economic Co-operation and Development (**OECD**) is an intergovernmental organization founded in 1961 to promote global trade and investment. The OECD's Investment Committee oversees the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (**Guidelines** or **OECD Guidelines**), which are recommendations from governments intended to promote corporate accountability and avoid environmental, social, and human rights harm resulting from business activity. They set standards on key areas of business responsibility, including human rights, labor rights, environmental protection, bribery and corruption, consumer interests, science and technology, disclosure and more.

WHAT ARE NCPS?

The OECD Guidelines require each member or adherent government to set up a National Contact Point (**NCP**). NCPs have three main roles:

1. **Promoting the Guidelines** - Raising awareness of the Guidelines among businesses, civil society and other stakeholders.
2. **Handling complaints ("specific instances")** - Serving as a non-judicial grievance mechanism to address complaints about alleged violations by multinational enterprises of the Guidelines.
3. **Supporting government policy coherence** - Assisting governments in developing and promoting responsible business conduct-related policies.

Claims can be brought before the NCP of the country where the harm occurred or where the company involved is headquartered. NCPs are government-backed offices, but their structure can vary: some are located within government agencies, while others are independent bodies with multi-stakeholder oversight.

Governments can design their NCPs to fit their national context, but all NCPs must meet seven key principles: they must be visible, accessible, transparent, accountable, impartial and equitable, predictable, and compatible with the Guidelines.

NCPs primarily facilitate dialogue between complainants and companies to resolve disputes related to breaches of the OECD Guidelines. While they do not have enforcement powers, some issue recommendations and determinations on whether the Guidelines were breached. They cannot impose penalties, but determinations may carry reputational, political, or financial consequences. You can find examples of agreements reached through NCP mediation, along with determinations for non-compliance with the Guidelines or lack of good faith participation, and the resulting consequences, on OECD Watch's website.

OECD Watch is a global civil society network and the official representative of civil society to the OECD Investment Committee, the body that promotes and oversees implementation of the OECD Guidelines. It assesses NCPs against key performance indicators evaluating their complaints handling procedures, organization and communication, based on the OECD Guidelines. You can find their NCP evaluations here.

NCPs primarily operate as **mediation platforms**, meaning their process is voluntary.

DISPUTE RESOLUTION

The primary function of NCPs is to facilitate dialogue and mediation between affected communities and businesses. This process is voluntary, and both parties must agree to participate.

If either party refuses to engage in the process, some NCPs can still issue a statement with recommendations and determinations, but they do not have the power to compel compliance.

You can learn more about this phase below.

COMPLIANCE REVIEW

Unlike independent accountability mechanisms (IAMs), NCPs **do not** conduct detailed compliance reviews for the purpose of issuing decisions on the merits of a particular specific complaint.

Some NCPs, however, issue determinations in final statements when agreements are not reached to explain whether provisions of the Guidelines have been breached.

How to file a complaint

CAN YOU COMPLAIN TO AN NCP?

Before filing a complaint, ask yourself the following questions. If your answer is **yes** to all of the questions, then you may be able to submit a specific instance to an NCP.

Company: Is the company covered by the OECD Guidelines?

> The Guidelines apply to multinational enterprises that are either headquartered in, or operate in one of the countries that follow the guidelines. To be covered, the company should have business activities in more than one country. Some NCPs have accepted complaints against non-traditional or public-private multinational enterprises, such as export credit agencies and non-governmental organisations, and other entities.
>
> Complaints can be filed against such companies for alleged breaches of the Guidelines in any country where they operate, not just where they are headquartered.
>
> **Tip:** You can also check whether a country has an NCP and adheres to the OECD Guidelines on the OECD website.

Impact: Is the business activity causing, contributing, or directly linked to the harm (or could it be)?

> Complaints can be filed about past harms, current harms or harms that may occur in the future if a company goes ahead with planned activities. These complaints are accepted from individuals, groups or organizations with an interest in the issues raised.
>
> The OECD Guidelines cover companies that are:
>
> - **Causing the harm:** directly responsible through their own actions or operations.
> - **Contributing to the harm:** playing a role in the harm, often alongside other actors.
> - **Directly linked to the harm:** connected through their business relationships (such as suppliers, contractors, or subsidiaries), even if they didn't cause or contribute to the harm directly.
>
> You may want to identify not just the company causing the harm, but also all companies that may be connected to the harm through business relationships and are headquartered in countries that follow the OECD Guidelines. These may all bear responsibility under the Guidelines.
>
> **Important:** Complaints cannot be submitted anonymously, but you can request confidentiality regarding your identity or sensitive information. If you fear retaliation, notify the NCP immediately to discuss protective measures. Organizations such as Accountability Counsel and OECD Watch can also support you in identifying responsible actors and strengthening your complaint.

Harm: Is the harm related to business practices?

> NCPs accept complaints about alleged failures by one or more companies to follow the standards in the OECD Guidelines. This includes complaints related to:
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> - Human rights violations
> - Labor rights violations
> - Environmental harm
> - Corruption and bribery
> - Technological harm
> - Disclosure failures

Before you file: Some additional considerations

In addition to the general questions we recommend you ask yourself before filing a complaint, it's important to note that some NCPs have strict confidentiality rules during the complaint process. This can present challenges if your broader advocacy strategy relies on public campaigning or media engagement.

While confidentiality can protect complainants and encourage dialogue, it may also restrict your ability to speak publicly about the case. Under the OECD Guidelines, campaigning is allowed as long as it respects confidentiality - for example, by avoiding disclosure of confidential documents, mediation details, or private information.

We recommend that you check the NCP's transparency and confidentiality rules in advance, and consider whether these align with your strategy. For advice and support, you can contact civil society groups such as Accountability Counsel or OECD Watch.

For more detailed guidance, see OECD Watch's page on transparency and campaigning.

MODEL COMPLAINT LETTER

OECD Watch has developed a model complaint letter tailored for NCPs. This template provides a practical starting point for your complaint, designed to help you effectively convey your concerns. You can find more information about preparing and filing a complaint on OECD Watch's website. Once submitted, the NCP will acknowledge receipt of your complaint. If you are considering filing a complaint, you can contact Accountability Counsel or OECD Watch for help with drafting and strategizing your complaint.
Download complaint letter

COMPLAINT FILING CHECKLIST

Download checklist

- ☐ **Format:** Complaints can usually be submitted in writing via letter, email or the online form available on some NCP websites. However, some NCPs require a specific format, so be sure to check the NCP's website for any instructions or templates. Complaints and supporting documents can typically be written in your own language, but not all NCPs accept complaints in every language or offer translation. If possible, submit complaints in English or a national language of the NCP receiving the case.
- ☐ **Complainant details:** Your complaint should include the name of each person or organization filing the complaint, contact details for key community representatives, and, if applicable, written authorization for representatives acting on behalf of affected individuals or communities. If you are concerned about reprisals, you can request the NCP withhold your name and contact information from the company.
- ☐ **Company details:** Provide the name of the company, representative or contact person (if known), physical address, email address, telephone number and website. If you are filing more than one complaint against multiple companies, provide information for each company.
- ☐ **Description of harm:** Explain where and when the harm occurred, is occurring or is anticipated to occur, supported by facts and evidence.

- ☐ **Guideline sections:** Identify the sections (and if possible, specific paragraphs) of the OECD Guidelines you believe have not been met. These are listed in the section below.
- ☐ **Criteria for NCP's initial assessment:** There are six criteria that NCPs must consider in their initial assessment. You should address all these criteria in your complaint. These are listed in the section below.
- ☐ **Next steps:** Include your expectations of the NCP's own process.
- ☐ **Good faith:** Include your agreement to engage in good faith. Good faith engagement means genuinely engaging in the process with a view to finding a Guidelines-compatible solution to the issues raised, giving serious consideration to any offer of mediation made by the NCP, responding promptly to the NCP, maintaining confidentiality where appropriate, and refraining from misrepresenting the issues and the process.
- ☐ **Evidence of attempted resolution:** While not mandatory, providing evidence of any attempts to engage with the company to resolve the dispute can strengthen your case.
- ☐ **Confidentiality:** Indicate if you require confidentiality due to fear of reprisals or for other reasons. Clearly describe the risks you face and provide reasons for your request.

STRENGTHEN YOUR COMPLAINT BY REFERENCING OECD POLICIES

When filing your complaint to an NCP, you must address six criteria for the initial assessment, and list the sections of the OECD Guidelines you believe have not been met. You can reference the OECD Guidelines directly, or may find it helpful to follow the steps listed in OECD Watch's guidance on preparing and filing a complaint.

It is strongly recommended that you explicitly address the six criteria and cite relevant chapters of the OECD Guidelines. Doing so improves your complaint's chances of being accepted.

MANDATORY CRITERIA TO MEET IN YOUR COMPLAINT

Criteria for NCP's initial assessment

OECD Watch has pulled together the six criteria that NCPs must consider in their initial assessment in their model complaint letter. They have also provided further guidance on specific criteria. You should address all of these criteria in your complaint.

1: The complainant's identity and its interest in the matter

Briefly introduce your, or your organization's activities and your interest in or connection to the issues you are raising. Has your community been affected by the company's activities? Have you campaigned about the issues/harms for many years? It is often helpful to refer to your organization's mission, previous work, or advocacy.

If you are concerned about your security or reprisals, you can again request that the NCP withhold some or all of the complainant's contact information from the company.

2: The company's identity and its coverage by the OECD Guidelines

Include information about the company or companies, making clear why the company is covered by the Guidelines. Either:

- Because the company is headquartered in a country that follows the Guidelines, and/or
- Because its relevant activities take place in a country that follows the Guidelines.

If necessary, and if known, describe the corporate structure of the company.

3: Whether the issues are material and substantiated

Include a sub-section for each alleged breach of the Guidelines. Provide your strongest evidence to describe who, what, when, where and why for each allegation. Refer to OECD Watch's guidance on preparing and filing a complaint for more information.

It can be helpful to define the company's relationship to each harm. According to the OECD Guidelines, a company can be causing, contributing, or directly linked to a harm. Refer to OECD Watch's guidance on company responsibility for harm for more information.

Documents with additional information can be annexed to the complaint, but they should be mentioned and referenced in the text.

4: Whether there seems to be a link between the company's activities and the issues raised

Explain the link between the harms you are facing and the company or companies. This is usually also covered by other sections.

5: The extent to which applicable law and/or parallel proceedings limit the NCP's ability to contribute to the resolution of the issues and/or implementation of the Guidelines

Describe any relevant national or international laws or standards that are relevant to the issues you are raising.

Describe any other related complaints (including judicial, administrative, or non-judicial complaints) against the company.

Explain why handling the complaint would not cause serious prejudice to any ongoing legal or administrative proceedings.

Refer to OECD Watch's guidance on NCP parallel proceedings for more information.

6: Whether examining the issue would contribute to the purposes and effectiveness of the OECD Guidelines

Explain why the NCP should accept the complaint. Focus on your previous attempts to resolve the issue with the company (if applicable), how the NCP's involvement could assist you, and what you would seek in a mediated agreement with the company. For instance, this could include seeking compliance with due diligence expectations in the Guidelines, including for the company to properly identify, assess, stop, prevent and/or mitigate harm in its own operations, as well as in its value chain, that are connected to the issues raised in this complaint. You can find examples of NCP agreements, determinations and consequences on OECD Watch's database.

Sometimes it is necessary to explain why you filed the complaint to one NCP and not another. This might be the case if the harms were felt on the ground in a country with an NCP, but you are filing the complaint to the NCP in the country where the company is headquartered. If this is the case, you should explain your decision to file this complaint to the NCP. Refer to OECD Watch's guidance on filing complaints to NCPs for more information.

OECD Guideline Chapters
Introduced in 1976, last updated in 2023

The OECD Guidelines are recommendations by governments to companies to enhance responsible business activities.

Chapter 2: General Policies

This chapter outlines broad expectations for responsible business conduct, including the obligation to carry out risk-based due diligence to prevent and address harm to people and the environment.Companies must avoid causing or contributing to harm, and take actions where they are directly linked to harm through business relationships, even if they didn't cause it. Due diligence should be integrated into company policies and systems, focus on risks to people (not just businesses), and apply throughout the value chain. Companies are also expected to engage meaningfully with affected stakeholders and support responsible conduct by business partners.

The OECD has produced Due Diligence Guidance for Responsible Business Conduct, which can also be cited in support of any due diligence failures. For more, see OECD Watch's guidance on due diligence.

Chapter 3: Disclosure

This chapter outlines expectations for companies to disclose timely, clear, and accurate information on all material matters, including financial performance, governance and sustainability. It emphasizes responsible business conduct disclosures, such as due diligence processes and impacts on people and the environment. Disclosures should follow international standards, be accessible to all stakeholders, and include independent audits to ensure credibility. Businesses are encouraged to proactively communicate relevant information while balancing confidentiality and cost concerns.

Chapter 4: Human Rights

Companies must respect internationally recognized human rights by avoiding infringing on others' rights and addressing any adverse impacts they cause, contribute to, or are linked to through business relationships. They should adopt a public human rights policy, conduct human rights due diligence, and provide or cooperate in remediation where they cause or contribute to harm. This applies regardless of local law or context, with special attention to vulnerable groups. Due diligence and stakeholder engagement are key to identifying, preventing and addressing impacts, and companies are encouraged to use legitimate grievance mechanisms to support remedy.

Chapter 5: Employment and Industrial Relations

Companies should uphold international labour standards by respecting workers' rights to unionise and bargain collectively, and by eliminating child labour, forced labour, and discrimination. They must provide safe and healthy workplaces, fair wages, and benefits not below local standards, and support local employment and training. Companies should engage in good-faith dialogue with

workers' representatives, share relevant information, and provide advance notice of major employment changes. They must not use threats of relocation to influence negotiations and should support grievance processes to resolve disputes fairly and lawfully.

Chapter 6: Environment

Companies should avoid and address adverse environmental impacts, including on climate, biodiversity, and ecosystems, while contributing to sustainable development. They are expected to manage environmental risks through due diligence, set and monitor science-based targets, and provide transparent, timely information. Companies should engage stakeholders, maintain contingency plans, adopt best available technologies, and promote sustainable products and circular economy practices. They should support environmental education, respect animal welfare, and contribute to climate goals, including net-zero emissions. Cooperation with business partners and alignment with international standards are key to improving environmental performance and resilience.

Chapter 7: Combating Bribery and Other Forms of Corruption

Companies must not engage in bribery or corruption, including offering, accepting, or facilitating undue advantages through intermediaries. They should implement risk-based internal controls, ethics, and compliance programmes to prevent, detect, and address corruption, including due diligence and accurate record-keeping. Companies must ensure oversight of agents, promote integrity and transparency, train staff, and avoid illegal political contributions. They are encouraged to disclose misconduct and cooperate with authorities, fostering a culture of accountability and contributing to the broader fight against corruption.

Chapter 8: Consumer Interests

Companies should ensure their goods and services meet safety standards and do not pose unreasonable risks. They must provide clear, accurate, and accessible information to help consumers make informed decisions and facilitate product comparisons. Companies should avoid deceptive or unfair practices, offer effective and low-cost dispute resolution, and protect consumer privacy. They are encouraged to support consumer education, cooperate with authorities to prevent harm, and consider the needs of vulnerable consumers and the challenges of e-commerce. Sustainable consumption and responsible marketing are also emphasized.

Chapter 9: Science, Technology and Innovation

Companies should conduct risk-based due diligence on potential adverse impacts related to technology, data use, and innovation. This includes impacts arising both upstream and downstream, from the development of the use of technologies. Due diligence should also address harms resulting from known or foreseeable misuse of products, including by consumers or authoritarian governments. Companies are encouraged to support responsible technology transfer, ethical research, and local capacity building while respecting privacy, intellectual property, and security. Companies should promote responsible data governance and transparency, and contribute to an open, secure, and inclusive Internet. Innovation should align with sustainable development, anticipate risks, and protect human rights, particularly in digital and emerging technologies.

Chapter 10: Competition

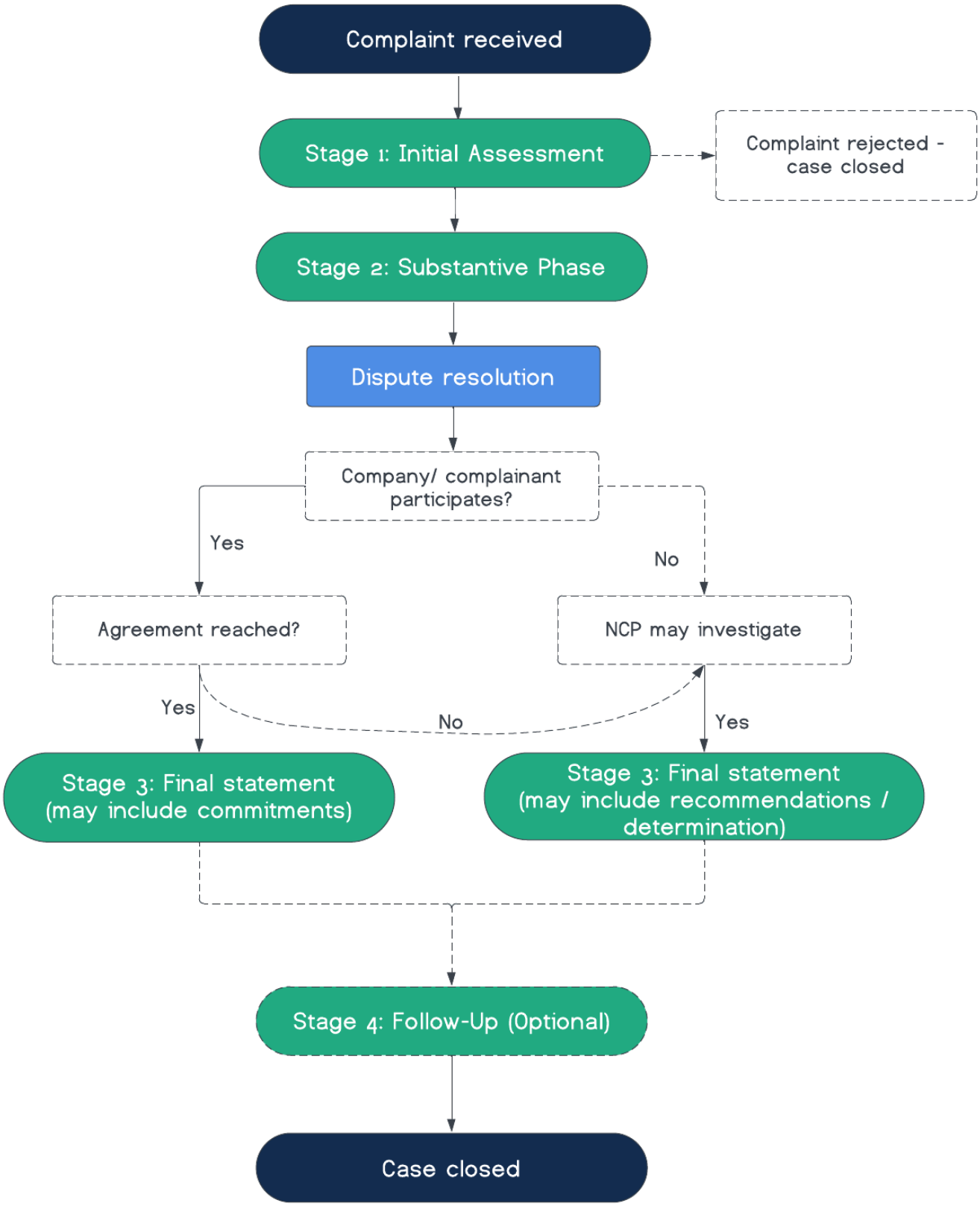
Companies must comply with all applicable competition laws and avoid anti-competitive practices, including price-fixing, bid-rigging, market division, or output restrictions. They should cooperate with competition authorities, promote employee awareness, and train senior management on competition

compliance. Companies must consider the impact of their conduct across jurisdictions and support fair market conditions that promote consumer welfare and economic growth. Collusion on wages or hiring (e.g., no-poach agreements) may also breach competition law, requiring careful compliance in labour practices and mergers.

Chapter 11: Taxation

Companies should pay taxes on time and comply with both the letter and spirit of tax laws in all countries where they operate. They must provide relevant information to tax authorities, manage tax risks through oversight systems, and align transfer pricing with the arm’s length principle. Transparency and cooperation with authorities, including in cross-border matters, are essential. Companies should avoid tax practices that distort economic reality or undermine legislative intent, while managing financial, regulatory, and reputational risks associated with taxation.

What happens after you file a complaint?



Stage 1: Initial assessment

If the complaint is submitted to more than one NCP (for example, in different countries), the NCPs will first coordinate to decide how to handle the case together before moving forward with the assessment.

After receiving your complaint, the NCP will review it to decide if it meets six basic “admissibility criteria” from the OECD Guidelines. This means they’ll look at:

1. Do you (the complainant) have a connection to the issue?
2. Are the issues you raised covered by the Guidelines and backed by enough believable evidence (even if not proven yet)?
3. Is the company a multinational enterprise that operates in more than one country? Is it either based in a country that follows the Guidelines, or is the harm happening in a country that does?
4. Is there a clear link between what the company did and the issues in your complaint?
5. Can the NCP help resolve the problem, or support the company’s use of the Guidelines, without being limited by other laws or parallel proceedings?
6. Would looking into your complaint help promote the goals of the Guidelines?

At this stage, the NCP should not do a deep investigation into your evidence or the company’s role in the harm.

The NCP may ask you for more information before deciding. If the complaint passes this initial assessment, the NCP will move forward to the dispute resolution stage.

It is important to know that the OECD Guidelines are not legally binding for companies. This means the company can refuse to take part in this process - even during the initial assessment. If the company does agree to participate, the NCP will ask them to respond to your complaint. If the company doesn’t respond or engage, you can still ask the NCP to review your case.

Stage 2: Substantive Phase

If your complaint is accepted, the NCP will offer support - called “good offices” - to help you and the company try to resolve the issues. This usually means mediation, where both sides talk through the issues with help from a facilitator. Mediation typically involves video calls and sometimes in-person meetings. These may be one-on-one with the mediator or joint sessions with all parties. The NCP might run the mediation themselves or bring in a professional mediator.

As noted above, participation is voluntary for both parties. Companies don’t have to take part, and they can leave the process at any time. Complainants may also choose to withdraw if the process becomes unproductive or harmful.

If the company refuses to participate or drops out early, you can ask the NCP to continue anyway - by investigating the issues, assessing the company’s behavior, and potentially issuing a statement with recommendations or a determination. Some NCPs do this (although not all), but none have the power to compel compliance with outcomes.

Mediation might end with a full agreement, a partial agreement, or no agreement at all. The NCP will usually wrap up the process once an agreement is reached, or if they believe further discussions won’t lead to progress.

Stage 3: Final statement

After mediation ends - whether or not an agreement is reached - the NCP will publish a **final statement**. This statement explains what happened during the process and what outcomes (if any) were achieved.

If an agreement was reached, the final statement may include the commitments the company made. If no agreement was reached, the NCP may still include recommendations for improving the company's conduct, and in some cases, may also state whether the company acted in line with the OECD Guidelines. This is called a **determination**, and it can be an important form of public accountability and recognition of your concerns. Not all NCPs issue determinations, and the inclusion of recommendations is at the NCP's discretion.

You may be asked to comment on a draft of the final statement. Make sure it reflects your experiences accurately. You can also ask the NCP to:

1. Include **recommendations** to the company.
2. Make a **determination** on whether the company did not follow the Guidelines.
3. Request for the NCP to recommend **consequences** from its government if the company didn't participate in good faith.
4. **Commit** to following up on the outcome.

Stage 4: Follow-Up

After the final statement is published, many NCPs follow up to check whether the company is following through on any agreements or recommendations.

Follow-up often happens about 12 months after the final statement and can include updates from both sides, or an investigation by the NCP. The NCP will then publish a **follow-up statement**.

You may be asked to provide a report on what's happened since the final statement and to review a draft of the follow-up statement. Companies may also be asked to report on their progress.

Real stories from communities who have filed complaints



EC and IDI vs Australia and New Zealand Banking Group (Australian NCP), Cambodia

DISPUTE RESOLUTION

Assessing NCP’s performance

COMPARISON TO BEST PRACTICE

✗
Remedy: NCPs cannot enforce decisions or require companies to compensate affected communities.

✗
Transparency: Practice among NCPs vary, but many NCPs publish little information about the process and its outcomes. Some NCPs also try to restrict the ability of complainants to publicly share information about their complaints.

✗
Independence: Many NCPs are housed within government agencies, raising concerns about impartiality. The best practice is to have an independent or multi-stakeholder NCP structure.

A LOOK AT THE DATA

We do not currently have NCP complaints documented in the Complaint Dashboard, however the OECD keeps a database of all NCP complaints here, and OECD Watch keeps a database of complaints filed by civil society here.

RECOMMENDATIONS TO IMPROVE NCPS

Transparency vis-a-vis regularly updated case registries documenting the submission and status of complaints and issues raised is essential to understand and ensure the legitimacy, responsiveness, and effectiveness of NCP offices. Further, NCP offices should work to keep all parties informed of positions, arguments, and facts shared, requiring confidentiality only over the personal identities of parties for security/privacy reasons or legitimately sensitive business information.

NCPs must be equipped to encourage and guide mediation efforts with the goal of advancing implementation of the Guidelines. Accordingly, their policies must afford them leverage to (a) issue final determinations in the absence of a dispute resolution agreement, or when companies refuse to participate in the process, (b) recommend remedial actions as appropriate, and (c) recommend their government impose consequences for companies that engage in bad faith or fail to implement agreements reached.

Ensure broad stakeholder involvement and dialogue with the mechanism by ensuring the inclusion community, civil society, and union organizations to participate in the NCP peer review process, designed to advance and strengthen good practice in the field, and establishing stakeholder advisory bodies to regularly discuss how to improve effectiveness in facilitating remedy for harm.

Contact an NCP

To file a complaint, find the contact details of the relevant NCP online.

Some contact details are listed in this August 2020 document, but we recommend searching online for the most recent contact details of the relevant NCP. A good method is to search "[Country name] NCP OECD" in your browser. This usually leads to the NCP's official government-hosted website, where you'll find submission procedures, contact emails, and any complaint portals.

You can also find contact details and performance evaluations for each NCP on OECD Watch's NCP database.

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