

**APPROACH OF THE UK NATIONAL
CONTACT POINT TO ANY NEW
COMPLAINT THAT ALLEGES A
BREACH OF THE OECD
GUIDELINES FOR MULTINATIONAL
ENTERPRISES TAKING PLACE
BEFORE JUNE 2000**

**21 August 2008
(updated on 14 January 2011)**

URN 11/653

Issue

The purpose of this paper is to provide UK National Contact Point (NCP) guidance to complainants and to companies on how the UK NCP intends to handle allegations dealing with behaviour of multinationals prior to June 2000, when the latest revision of the OECD Guidelines for Multinational Enterprises (the Guidelines) was published.

The OECD has not provided clear guidance about whether the 2000 revision of the Guidelines should be applied to activities prior to June 2000. The UK NCP therefore sought the view of the Steering Board in order to ensure both transparency and a consistent approach to complaints involving a period prior to June 2000. UK NCP policy has been developed after considering the Steering Board's view.

NCP Approach

If after 21 August 2008, the UK NCP receives a complaint about the activities of a multinational that takes place before June 2000, the UK NCP will consider the complaint in accordance with the revision of the Guidelines in effect at the time in question, unless the parties to the complaint consent to the application of the current revision of the Guidelines.

If the period to be covered by a complaint covers the period prior to June 2000, complainants should be mindful of the version of the Guidelines that applied at the time of the alleged behaviour. Please contact the UK NCP if you require a copy of the pre-2000 Guidelines.

How the Guidelines have changed

1. The Guidelines were first issued in 1976 and had minor amendments prior to 2000. They underwent more significant renegotiation in 2000. The principle differences were:
 - The addition of Chapter II(2): “Respect the human rights of those affected by their activities consistent with the host government’s international obligations and commitments”. There was no specific reference to human rights in the earlier versions.
 - The addition of Chapter II(10): “Encourage, where practicable, business partners including suppliers and sub-contractors, to apply principles of corporate conduct compatible with the Guidelines”.
 - The addition of a number of core labour standards set out in Chapter IV – for example the obligation to contribute to the effective abolition of child labour and forced or compulsory labour.
2. The 1991 Guidelines were ambiguous as to whether the scope of the Guidelines was global or limited to OECD adhering countries, as was acknowledged by the paper on the OECD website “Review of the OECD Guidelines for Multinational Enterprises: Framework for Review 21 May 1999”:

“The current text of the Guidelines is ambiguous concerning their geographic applicability outside the OECD.”

The OECD website confirms that the 2000 revision of the Guidelines apply to behaviour by multinationals worldwide, not just in Member countries.

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URN 11/653