

OECD Watch NCP Key Performance Indicators

Category	Issue	Indicator	Status	Scoring	Explanation	Core Criteria	Source
Complaint procedures							
Entire process	Transparency between complaint parties	NCP ensures transparency between the parties in the complaint process generally, including by the sharing of all relevant facts and arguments brought forward by each party during the proceedings with other parties, allowing for confidentiality only over the personal identities of parties for security/privacy reasons or legitimately sensitive business information, and/or has a commitment to do so in its case-handling procedures.	Recommended	An NCP will score “yes” if, in practice, it ensures transparency between the parties by sharing all oral statements and documents with relevant facts and arguments and only redacts information related to the personal identities of parties or legitimately sensitive business information, <i>and</i> its case-handling procedures include a commitment to do so. A “partial” is given if the NCP, in practice, does this but it is not included in its case-handling procedures. A “no” is given if, in practice or in its case-handling procedures, the NCP requires confidentiality of anything more than the specific things listed.	Transparency is a core criterion for NCPs and is critical to ensuring a predictable, impartial, and equitable complaint process. Complainants must have access to all information relevant to the complaint to avoid power imbalances. NCPs should ensure that any oral statements or documents shared by a company during the proceedings are shared with the complainants, allowing redaction only for the personal identities of parties for security/privacy reasons or legitimately sensitive business information. It is particularly important that any decisions or statements made by the NCP are based on information that all parties have access to. In addition, the NCP should explain to all parties the impact of any national legislation that guides transparency.	Impartial & Equitable, Predictable, Transparent	Procedures C.6 Commentary §48
Entire process	Transparency towards the public	NCP ensures transparency towards the public during the complaint process generally, including by allowing complainants to publish their own complaint and communicate about the stages of the process. The NCP allows for confidentiality only over the personal identities of parties for security/privacy reasons, legitimately sensitive business information, and documents shared and discussions had during the mediation stage, and/or has a commitment to do so in its case-handling procedures.	Permitted	An NCP will score “yes” if, in practice, it ensures transparency towards the public and only requires confidentiality of the specific things listed, and its case-handling procedures include a commitment to do so. A “partial” is given if, in practice, the NCP does this, but it is not included in its case-handling procedures. A “no” is given if an NCP, in practice or its case-handling procedures, requires confidentiality of anything more than the specific things listed.	Transparency to the public about the complaint process helps increase the visibility of the NCP and Guidelines, the claims raised, and the NCP’s process of evaluating them. Increased visibility also incentivises businesses to participate in the voluntary process, helping correct the power imbalance between the parties. It helps guide future complainants in how the complaint process works, which increases predictability and accessibility. While the mediation stage of the process (including documents and conversations shared during mediation) should be kept confidential, other information such as the name of the company, the complaint text, the initial assessment, final statement, and procedural steps taken in the complaint can and should be public. Complainants should also be allowed to continue campaigning or otherwise speaking about a complaint, as long as they do not reveal confidential information and do not	Accountable, Impartial & Equitable, Predictable, Transparent, Visible	Procedures C.7

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					misrepresent the issues or process. Campaigning is not a sign of poor faith towards the process, but instead encourages companies to take the complaint seriously and resolve the issues raised.		
Entire process	Complainant anonymity	NCP allows complainants to withhold their identity from the company for security reasons, and/or has a commitment to do so in its case-handling procedures.	Expected	An NCP will score “yes” if, in practice, it allows complainants to withhold their identity from the company, and its case-handling procedures include a commitment to do so. A “partial” is given if, in practice, the NCP does this, but it is not included in its case-handling procedures. A “no” is given if the NCP does not do this and/or it is not included in its case-handling procedures.	Complainants often face high risk of reprisals by companies for filing complaints and therefore, in order to ensure accessibility, they should be allowed to withhold their identity from the company (but not the NCP itself) to help avoid/minimise this risk. It is important that the NCP sets out this commitment from the outset, as this fosters trust in the NCP and enables complainants who are at a higher risk to access the NCP.	Accessible	Procedures C.6 Commentary §47
Entire process	Company naming	NCP does not allow companies to remain anonymous when a complaint is filed and/or has a commitment not to do so in its case-handling procedures.	Permitted	An NCP will score “yes” if, in practice, it does not allow companies to remain anonymous when a complaint is filed, and its case-handling procedures include a commitment not to do so. A “partial” is given if, in practice, the NCP does not allow this, but it is not included in its case-handling procedures <u>or</u> the NCP does not allow companies to remain anonymous after the initial assessment phase. A “no” is given if the NCP does this in practice and/or it is not included in its case-handling procedures.	It is important that NCPs not allow companies to remain anonymous simply for reputational concerns. Anonymity must be used only in situations where there are security risks. Ensuring companies are publicly named can encourage the company to take the process more seriously and comply with the outcomes of the case. In practice, the initial assessment stage of a complaint can take a long time and companies that are not publicly named may use this time to delay or halt the process. Meanwhile, the NCP can address reputational concerns by making clear in its complaints database and initial assessment that receipt of a complaint or commencement of good offices does not signify a company has not met the Guidelines’ standards. Final statements will then clarify the company’s conduct, which itself may positively or negatively affect the company’s reputation.	Impartial & Equitable, Transparent	Procedures C.6 Commentary §47
Entire process	Complaint timeline	NCP follows the expected timeline for each stage of the complaint-handling procedure and communicates punctually with all complaint parties over the status of the complaint, including any reasonable delays, and/or has a commitment to do so in its case-handling procedures.	Recommended	An NCP will score “yes” if, in practice, it follows the expected timelines —no more than 12 months, or 14 months if cooperation to determine a lead NCP is needed— for each stage of the complaint handling procedure, and communicates punctually with all complaint parties about the status of the complaint, including about reasonable delays to the expected timeline, and it sets out this	A commitment to a general timeline, and to legitimate reasons and regular communication when the timeline shifts, helps make the NCP process accessible and predictable for complainants. Many complainants do not know how long a complaint will last and having an expected timeline set out will help	Accessible, Predictable	Commentary §52

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				commitment in its case-handling procedures. A “ <i>partial</i> ” is given if an NCP, in practice, follows the timeline and communicates punctually about the status of the complaint, but does not so include this in its case-handling procedures. A “ <i>no</i> ” is given if the NCP does not do this in practice and/or it is not included in its case-handling procedures.	them plan (i.e. budget, fundraise, and ensure staffing) accordingly.		
Entire process	Complaints database	NCP website contains a permanent record of every complaint received by the NCP, including parties to the complaint, the issue(s) addressed, the status of the complaint, and the full complaint text. The NCP regularly updates relevant government ministries about complaints filed.	Permitted	An NCP will score “ <i>yes</i> ” if it publishes (for example, in a complaints database) a permanent record of every complaint received by the NCP that includes the parties to the complaint, the issue(s) addressed, status of the complaint, and the full complaint text — subject to confidentiality over the personal identities of parties for security/privacy reasons, or legitimately sensitive business information, and unless both parties agree to keep the full complaint text confidential. <i>In addition</i> , the NCP regularly updates relevant government ministries about complaints filed. A “ <i>partial</i> ” is given if the NCP has listed complaints handled on its website without the details outlined here, <i>or</i> the NCP does not publish the full complaint text, <i>or</i> does not make the list permanent, <i>or</i> does not regularly inform relevant government ministries about complaints filed. A “ <i>no</i> ” is given if the NCP does not publish a list of all complaints received on its website.	By maintaining a database of complaints handled, the NCP helps ensure its process is visible, transparent, accountable, and predictable. A record showing basic information on the complaints handled by an NCP helps many stakeholders (civil society, companies, investors, and government officials) understand what harms are alleged against a company and how the NCP is proceeding to evaluate and address those harms. In addition, complainants often rely on reading examples of past complaints to understand how the NCP’s process will proceed and how to pursue their own complaint. Relevant government ministries should be made aware of complaints filed against companies, particularly those that may be offered contracts or export credit by the government, as one way to assess companies’ material risks. In addition, regular updating on complaints filed better informs ministries of current events and developments in the field, and key issues being faced by communities. Note: Other indicators assess whether the NCP has published an initial assessment, final statement, and a follow-up statement.	Accountable, Predictable, Transparent, Visible	Language on <i>transparency</i> in the Core Criteria
Entire process	Reprisals against complainants	NCP proclaims zero tolerance for reprisals against complainants and assesses and implements measures to prevent and respond to (risks of) reprisals, and/or has a commitment to do so in its case-handling procedures.	Recommended	An NCP will score “ <i>yes</i> ” if it proclaims zero tolerance for reprisals against complainants <i>and</i> , in every case, assesses and implements measures to prevent and respond to (risks of) reprisals, and its case-handling procedures (or separate policy on reprisals) sets out a commitment to do so. Examples include proactively asking complainants about reprisal risks, assessing the risks in the	Intimidation and reprisals against complainants can often prevent complainants from filing a complaint or from being able to participate fully in the process. Ensuring that the NCP has a robust policy and practice to address the risk of reprisals against complainants is particularly important given that attacks against human and environmental rights defenders continue to rise. Publishing	Accessible, Impartial & Equitable	Procedures C.9 Commentary §27

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				context of the complaint, and, in consultation with the complainants, taking steps such as holding mediation in a third country, ensuring confidential and secure means of communication with the NCP, and contacting relevant authorities, organisations, or support groups. A “ <i>partial</i> ” is given if an NCP does, in practice, assess and implement measures to prevent and respond to (risks of) reprisals, but does not so include this in its case-handling procedures. A “ <i>no</i> ” is given if the NCP does not do this in practice and/or it is not included in its case-handling procedures.	and implementing a robust policy helps ensure accessibility of the mechanism by discouraging retaliation, encouraging complainants to report reprisals, and allowing preventative and responsive action by the NCP.		
Entire process	Reprisals against NCP	NCP proclaims zero tolerance for reprisals against the NCP and implements measures to respond to (risks of) reprisals, and/or has a commitment to do so in its case-handling procedures.	Permitted	An NCP will score “ <i>yes</i> ” if it proclaims zero tolerance for reprisals against the NCP and, where such a situation occurs, it has taken steps to address threats against the NCP, and its case-handling procedures (or separate policy on reprisals) set out a commitment to do so. Examples include publicly reporting incidences of such threats (such as in annual reports) and requesting support and consequences from the government. A “ <i>partial</i> ” is given if an NCP has, in practice, taken the appropriate steps but it is not included in its case-handling procedures (or separate policy on reprisals). A “ <i>no</i> ” is given if the NCP has not done this in practice and/or it is not included in its case-handling procedures.	Intimidation and reprisals against NCPs can result in complaints being incorrectly rejected or handled improperly. To ensure the accountability, predictability, and equitability and impartiality of the complaint process, NCPs should take a proactive approach to discourage and address any threats against the NCP. While governments should have effective policies in place to protect the NCP against reprisals or threats, the NCP itself still plays an important role by setting out a zero tolerance policy on reprisals and publicly condemning reprisals when they occur.	Accessible, Accountable, Impartial & Equitable, Predictable	Procedures C.9 Commentary §27 and §28
Entire process	Conflicts of interest	NCP prevents or addresses potential or perceived conflicts of interest of any person playing a role for the NCP in the complaint and/or has a commitment to do so in its case-handling procedures.	Expected	An NCP will score “ <i>yes</i> ” if, where such a situation occurs, it has addressed potential or perceived conflicts of interest of any person supporting the NCP in the complaint and its case-handling procedures set out a commitment to do so. Examples include discussing and taking a decision in consultation with parties, a stakeholder advisory body, and/or the OECD Secretariat; withdrawing the conflicted NCP representative; or ensuring a firewall between the NCP and other teams in the government department where the NCP is located. A “ <i>partial</i> ” is given if the	Ensuring that there are no actual or perceived conflicts of interest when handling complaints is important to ensure complainants trust the NCP and its process, and that the process is accountable, impartial, and equitable.	Impartial & Equitable	Language on equitability and impartiality in Core Criteria

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				NCP has addressed any conflicts of interest in practice but it is not included in its case-handling procedures. A “no” is given if the NCP has not done so in practice and/or it is not included in its case-handling procedures.			
Filing	Case-handling procedures	NCP website shows case-handling procedures for complaint handling in national language(s) and English.	Expected	The NCP will score “yes” if it has published its case-handling procedures on its website in both national language(s) and English. A “partial” is given if the NCP publishes its case-handling procedures only in national language(s) or English rather than both. A “no” is given if the NCP has not published its case-handling procedures.	Complainants depend on clear complaint procedures to access and use the NCP. To ensure an accessible, impartial, and predictable complaint process, the NCP should create case-handling procedures and post them on its website in both national language(s) and English so that as many people as possible can access them. An NCP could also consider translating its case-handling procedures into other languages relevant in the country. In addition, it is important that the case-handling procedures are written in accessible language that is plain, simple, and understandable for complainants.	Accessible, Impartial & Equitable, Predictable	Procedures C Language on accessibility in Core Criteria
Filing	Complaint filing guidance	NCP offers guidance in both national language(s) and English on how to file complaints.	Expected	An NCP will score “yes” if it has offered guidance on how to file complaints in both national language(s) and English. Examples include publishing a template, fill-in form, or step-by-step guide for drafting complaints, and/or offering in-person or online consultations to potential complainants on the structure of complaints or meeting admissibility criteria. A “partial” is given if the NCP offers guidance only in national language(s) or English but not both. A “no” is given if the NCP has not offered guidance.	In order to ensure the NCP is accessible, it is important that the NCP provide an adequate and accessible explanation to complainants on how to file complaints. Complainants are likely not experts on the Guidelines, so the NCP should use its own expertise to guide complainants in the filing stage. This also helps to rectify power imbalances, since while companies are often guided by legal counsel in how to engage in complaints, most complainants have no financial capacity for such advice, are unfamiliar with international standards and complaint mechanisms processes.	Accessible, Impartial & Equitable	Commentary §18
Filing	Language accessibility	NCP accepts complaints in national language(s) and English and covers the cost of translation of key filings and statements and interpretation during mediation, and/or has a commitment to do so in its case-handling procedures.	Permitted	An NCP will score “yes” if, where needed, it accepts complaints in both English and its national language(s), covers the cost of translation of key filings and statements, and ensures interpretation during mediation, and its case-handling procedures set out a commitment to do so. A “partial” is given if the NCP does this in practice but does not state this in its case-handling	In order to ensure the NCP is accessible, it is important that language is not a barrier to filing complaints or participating in mediation. Many complainants may only be able to file complaints and participate in mediation in their own language and the onus should be on the NCP, rather than the complainant, to cover the costs of translation and interpretation or, where appropriate, use their in-	Accessible, Impartial & Equitable	Language on accessibility and equitability in Core Criteria

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				procedures. A “no” is given if the NCP does not do this in practice and/or it is not included in its case-handling procedures.	house language expertise to ensure this. Ideally, an NCP will accept complaints in the chosen language of the complainants, but at a minimum it should accept complaints in English as well as its own national language(s).		
Coordination	Coordination between NCPs	NCP clarifies how it will engage with other NCPs in relation to the handling of complaints, including explaining when complaints may be jointly handled or transferred to other NCPs.	Permitted	An NCP will score “yes” if its case-handling procedures clarify the process of coordination between NCPs, including explaining when complaints may be jointly handled or transferred to other NCPs and a commitment to be transparent about what supporting arrangements the NCP may agree to. A “no” is given if the NCP’s case-handling procedures do not include any of this information.	Having a clear process for when and how the NCP coordinates with other NCPs when handling complaints helps ensure the process is transparent and predictable. This information helps complainants who have filed, or are considering filing, complaints that potentially involve multiple NCPs to know which NCP might lead and how coordination will work. The Guidelines state that generally the NCP of the country in which the issues have arisen will be the lead NCP, and that parties should be consulted on decisions to transfer a case to a different NCP.	Accessible, Predictable, Transparent	Procedures C.1 Commentary §29
Initial assessment	Admissibility criteria	NCP considers only the six admissibility criteria set out in the Guidelines and/or has a commitment to do so in its case-handling procedures.	Expected	An NCP will score “yes” if, in practice, it consistently considers all and only the six admissibility criteria in the Guidelines, and these are set out explicitly in its case-handling procedures. A “partial” is given if, in practice, the NCP considers all and only these criteria, but they are not set out explicitly in its case-handling procedures. A “no” is given if, in practice or in its case-handling procedures, the NCP does not consider all six admissibility criteria, or it considers additional criteria for accepting a case. For example, it requires the complainant to pursue other grievance mechanisms before filing a complaint, sets a statute of limitations, or rejects a case if a company refuses to engage, if either party is unwilling to agree to confidentiality terms, or as a result of pressure from the business or a government office.	An NCP should be accessible to enable more parties to benefit from the NCP’s mediation. The Guidelines set out six admissibility criteria that the NCP should consider. NCPs should consider all six of these criteria and not any additional criteria as this creates barriers to accessing the mechanism.	Accessible, Impartial & Equitable, Compatible with the Guidelines	Commentary §33
Initial assessment	Evidentiary standard	NCP ensures a low threshold to assess whether the issue is material and substantiated and/or has a commitment to do so in its case-handling procedures.	Expected	An NCP will score “yes” if, in practice, it will consistently and always consider whether the issue is material (i.e. relevant to the topics covered in the Guidelines) and substantiated (i.e. plausible based on sufficient and	Many NCPs apply an overly rigorous standard for substantiation at the initial assessment phase, rejecting complaints they think lack adequate substantiation. Especially at the early initial assessment stage of the process,	Accessible, Compatible with the Guidelines	Commentary §33

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				believable, but not certain or proven, information), and its case-handling procedures set out a commitment to do so. A “ <i>partial</i> ” is given if the NCP, in practice, applies this standard but it does not include it in its case-handling procedures. A “ <i>no</i> ” is given if the NCP does not ensure a low threshold in practice or in its case-handling procedures.	NCPs should endeavour to promote adherence to the Guidelines by accepting all complaints that raise credible issues and demonstrate a plausible link between the issues and the companies’ conduct. Setting a low threshold enables more parties to benefit from the NCP’s mediation.		
Initial assessment	Parallel proceedings	NCP works to accept complaints despite parallel proceedings and/or has a commitment to do so in its case-handling procedures.	Expected	An NCP will score “ <i>yes</i> ” if, in practice, it works to accept complaints despite parallel proceedings and it sets out how it does this in its case-handling procedures. The NCP should explicitly evaluate if offering mediation could positively contribute to resolving the issues or implementing the Guidelines, and would not create serious prejudice for parties involved in other proceedings. It should also explicitly consider partially accepting a complaint or temporarily suspending examination while other proceedings are ongoing. It should consult with the parties and parallel grievance mechanism in question. A “ <i>partial</i> ” is given if the NCP does this in practice, but it is not set out in its case-handling procedures. A “ <i>no</i> ” is given if the NCP does not do this in practice and/or it is not included in its case-handling procedures.	The Guidelines discourage NCPs from rejecting complaints subject to parallel proceedings in judicial courts or other tribunals. The Guidelines permit rejection only when the NCP’s handling of the complaint will seriously prejudice either of the parties in the parallel proceedings. In practice, NCPs often provide a useful forum for dialogue outside of ongoing court proceedings. In addition, proceedings are rarely truly “parallel”, since a court’s assessment of a company’s adherence to a law will necessarily be different from an NCP’s assessment of the company’s adherence to the Guidelines, even though the matter or issues may overlap.	Accessible	Commentary §35
Initial assessment	Public initial assessments	NCP website shows the initial assessment for every complaint received which is published immediately after the initial assessment stage is concluded, and/or has a commitment to do so in its case-handling procedures.	Permitted	An NCP will score “ <i>yes</i> ” if it publishes all initial assessments for cases that have reached that stage immediately after the initial assessment stage is concluded, and its case-handling procedures set out a commitment to do so. A “ <i>partial</i> ” is given if, in practice, the NCP has published all initial assessments after this stage is concluded, but it is not stated in its case-handling procedures, <u>or</u> the NCP has published all initial assessments but has not done so immediately after this stage has concluded. A “ <i>no</i> ” is given if the NCP does not do this in practice and/or it is not included in its case-handling procedures.	This indicator measures whether NCPs immediately publish initial assessments that accept complaints. Immediate publication of initial assessments is vital to ensuring the transparency, accountability, and impartiality and equitability of the complaint process. Raising public awareness of this procedural stage helps incentivise the company to engage in good faith in the voluntary mediation process. Publication also helps complainants (including future complainants) understand how the NCP applies the six admissibility criteria.	Accountable, Impartial & Equitable, Predictable, Transparent	Commentary §41

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Mediation	Mediation location	NCP holds mediation in the most accessible manner for complainants and/or has a commitment to do so in its case-handling procedures.	Recommended	An NCP will score “yes” if, in practice, it prioritises and supports complainants to attend in-person mediation where applicable, <u>or</u> in consultation with the complainant, enables mediation in another location (such as an embassy) or online where preferred. A “partial” is given if the NCP, in practice, ensures mediation is accessible for complainants in the ways listed above, but it is not stated in its case-handling procedures. A “no” is given if it has not offered this and/or it is not listed in its case-handling procedures.	NCP processes should be as open, accessible, and affordable as possible, so that complainants from around the world can access and use the NCP mechanism. Complainants may have cost or security concerns that prevent them from joining mediation at the NCP’s office, and the onus is on the NCP to ensure this accessibility issue is rectified. Stating this commitment from the outset further ensures accessibility of the mechanism as complainants are aware of this possibility. In addition, it is important that NCP staff are trained in offering mediation both in-person and online.	Accessible, Impartial & Equitable	Language on accessibility and equity in Core Criteria
Mediation	Guiding role of NCP	NCP plays a guiding role in mediation, ensuring agreements reached further the implementation of the Guidelines and address past harms.	Expected	An NCP will score “yes” if its case-handling procedures state that it will use its expertise to guide the mediation discussion and ensure agreements reached are mutually agreeable and compatible with the Guidelines, including commitment by the company to further the implementation of the Guidelines in future and, where relevant and as appropriate, address past harms. A “partial” is given if its case-handling procedures clarify some but not all of these elements. A “no” is given if its case-handling procedures do not set out this commitment.	NCPs are expected to play a guiding role in mediation. There are several key elements to this. The NCP should: (1) use its expertise on the Guidelines to guide the mediation discussion; (2) ensure any agreements are mutually agreeable; and (3) ensure any agreements are compatible with the Guidelines. Compatible with the Guidelines means centred around a commitment by the company to further the implementation of the Guidelines in future and, where relevant and consistent with the company’s involvement in the impacts (i.e. whether it caused, contributed to, or is directly linked to them), address past impacts.	Compatible with the Guidelines	Commentary §25 and §37
Mediation	External expertise	NCP ensures it has access to and, where relevant, uses investigative resources and broad external subject-matter expertise to support its complaint handling functions, and/or has a commitment to do so in its case-handling procedures.	Permitted	An NCP will score “yes” if it has access to and, where relevant, uses investigative resources and broad subject-matter expertise to support its complaint handling functions, and its case-handling procedures include a commitment to do so. This includes, for example, conducting in-country field visits, engaging with experts from government (including foreign missions), civil society, and/or the OECD Secretariat. A “partial” is given if the NCP has, in practice, used broad subject-matter expertise to support complaint handling but it is not set out in its case-handling procedures. A “no” is given if it does not do this and/or it is not included in its case-handling procedures.	Outside of an NCP’s formal structure, the NCP should also ensure it has access to a broad range of expertise and knowledge in order to handle the range of complex issues raised in complaints. This will increase the trust that complainants and other stakeholders have in the NCP and strengthen the complaints procedure as a whole.	Accountable, Impartial & Equitable	Procedures A.3, C.3.a & C.3.c Commentary §14 and §36

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Final assessment	Assessment without mediation	NCP assesses the issues raised even if mediation is declined by a party and/or has a commitment to do so in its case-handling procedures.	Expected	An NCP will score “yes” where, even if mediation is declined by a party, it assesses the issues raised and the company’s observance of the Guidelines which is explained in the final statement, and its case-handling procedures set out a commitment to do so. A “partial” is given if, in practice, the NCP has done so but it does it is not set out in its case-handling procedures. A “no” is given if the NCP has not done this in practice and/or it is not included in its case-handling procedures.	In situations where one party declines mediation, it is important that the NCP use its expertise to assess the issues raised and publish a final statement explaining how the Guidelines are implemented in the particular scenario and issuing recommendations or determinations. Such a statement can provide an authoritative assessment of the companies conduct in relation to the Guidelines, which could help complainants in their efforts to access remedy even if the company refuses to engage. Note: Another indicator, “Determinations”, assesses whether the NCP makes determinations explaining how the company has (not) observed specific provisions of the Guidelines.	Accountable, Impartial & Equitable, Predictable	Procedures C.4.c Commentary §43
Final assessment	Public final statements	NCP consults parties on and publishes a final statement that includes the basic information required immediately after the case reaches that stage, and/or has a commitment to do so in its case-handling procedures.	Expected	An NCP will score “yes” if it, in practice, consults parties on and publishes all final statements, including the basic information required in these statements, immediately after the case reaches that stage, and its case-handling procedures include a commitment to do so. The NCP does not declare any issue resolved without the agreement of both parties. A “partial” is given if, in practice, the NCP does so but it is not set out in its case-handling procedures, <u>or</u> the NCP achieves some but not all of these elements. A “no” is given if the NCP does not do this in practice and/or it is not included in its case-handling procedures.	To ensure accountability, the NCP should consult with parties before finalising the final statement to ensure it accurately reflects their participation in the process and views on outcomes, particularly any resolutions reached. To ensure transparency, NCPs must publish all final statements immediately after the case reaches that stage. Publishing these statements also helps potential future complainants understand the NCP process, which in turn helps the NCP ensure predictability. Every final statement must include the basic information required in the Guidelines, namely: the issues raised, the parties’ respective positions, the steps taken by the NCP in assisting the parties when an agreement is reached —or if no agreement is reached— why the NCP decided that the issues warranted further examination and the steps taken by the NCP in assisting the parties, including information on parties’ engagement in the proceedings. Including this information is the minimum that an NCP must include and does not automatically imply that the final statement is satisfactory.	Accountable, Predictable, Transparent	Procedures C.4

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Final assessment	Recommendations	NCP makes recommendations in its final statements on specific company action needed to support remediation of past harm and/or observe the Guidelines in future, and/or the NCP has a commitment to do so in its case-handling procedures.	Recommended	An NCP will score “yes” if, in practice, it has made specific recommendations in its final statements, and its case-handling procedures include a commitment to do so. A “partial” is given if the NCP has, in practice, provided specific recommendations but it has not committed to do so in its case-handling procedures. A “no” is given if the NCP has not done so in practice and/or it is not included in its case-handling procedures.	The Guidelines emphasise the role that NCPs should be playing as experts on the OECD Guidelines. Providing recommendations on company action needed to support remediation of past harm and/or observe the Guidelines in future is a good example of how NCPs should use their expertise. Recommendations help teach companies (including those not involved in the complaint) how to observe the Guidelines in practice.	Accountable	Procedures C.4.b & C.4.c Commentary §42
Final assessment	Determinations	NCP makes determinations in its final statements when no agreement is reached explaining how the company has (not) observed specific provisions of the Guidelines, and/or has a commitment to do so in its case-handling procedures.	Permitted	An NCP will score “yes” if, in practice, it has made determinations (findings) in its final statements explaining, when no agreement is reached, how the company has or has not observed specific provisions of the Guidelines, and its case-handling procedures include a commitment to do so. A “partial” is given if the NCP has, in practice, made determinations but it has not = committed to do so in its case-handling procedures. A “no” is given if the NCP has not done so in practice and/or it is not included in its case-handling procedures.	Complainants view an NCP’s commitment to making determinations as an indicator of the NCP’s own accountability to its mandate and impartiality towards all stakeholders. Providing public determinations of (non)compliance is an important way for NCPs to use their expertise on the Guidelines to teach companies and the broader public what responsible business conduct means in practice. Public determinations of (non-) observance of the Guidelines help encourage companies to improve irresponsible conduct and rectify related past harms. Finally, determinations can provide a measure of remedy to complainants by publicly validating their claim that irresponsible conduct has occurred. Critically, the NCP’s commitment from the outset to issuing a determination wherever there is no agreement helps incentivise companies to work constructively towards an agreement so as to avoid the determination.	Accountable, Impartial & Equitable	Procedures C.4.c Commentary §44
Final assessment	Consequences	NCP recommends consequences from its government for companies that engage in bad faith in the proceedings or fail to implement agreements reached, and/or has a commitment to do so in its case-handling procedures.	Permitted	An NCP will score “yes” if it has, where appropriate, requested consequences from its government for companies that engaged in bad faith in the proceedings or failed to implement agreements reached, and its case-handling procedures include a commitment to do so. Examples include requesting sanctions, such as refusal of export credit or denial of participation in trade missions, for a company’s refusal to participate in the process, bad faith participation, or failure to implement agreements reached. A “partial” is given if the NCP has in practice, where appropriate, recommended consequences	While NCPs usually lack the authority to penalise companies for refusing to engage in the complaint process, engaging in bad faith, or failing to implement agreements and recommendations given, NCPs can ask their government to apply consequences in such cases. Setting out a public policy commitment to do this can encourage companies to take the complaint process seriously.	Accountable	Commentary §26 and §44

Category	Issue	Indicator	Status	Scoring	Explanation	Core Criteria	Source
				from its government but has not committed to do so in its case-handling procedures. A “no” is given if the NCP has not done so in practice and/or it is not included in its case-handling procedures.			
Follow-up	Follow-up	NCP engages in follow-up and publishes follow-up statements where relevant, and/or has a commitment to do so in its case-handling procedures.	Expected	An NCP will score “yes” if it engages in follow-up, where relevant, of recommendations and determinations made and/or agreements reached in final statements, and publishes follow-up statements, and its case-handling procedures include a commitment to do so. A “partial” score is given if the NCP, in practice, engages in follow-up and publishes follow-up statements, but does not so include this in its case-handling procedures. A “no” is given if the NCP does not and/or it is not included in its case-handling procedures.	One of the key tools NCPs have to encourage company observance of the Guidelines is to follow-up after the final statement stage to publicly verify whether companies implement agreements reached or recommendations and determinations given. Companies take the complaint process more seriously when they know the NCP will check on their implementation after the complaint. Complainants also feel more trust in the NCP’s utility when the NCP takes care to ensure its mediation is being respected and its recommendations carried out.	Accountable, Predictable, Transparent, Visible	Procedures C.5 Commentary §46
Review	Procedural review	NCP provides an external review process for parties to pursue if they believe the NCP has not followed its internal procedures.	Permitted	An NCP will score “yes” if it has an external process in place for procedural review of complaints. A “no” is given if the NCP does not have such a review process in place.	Complainants should have the right to request a procedural review if they feel the NCP has not followed its internal procedures correctly and fairly. This enables more predictable, impartial complaint-handling and helps strengthen the practices of the NCP.	Accountable, Impartial & Equitable, Predictable	
Organisation							
Structure	Independent expert structure	NCP has an independent expert structure whereby complaints are handled strictly by non-governmental independent experts.	Permitted	An NCP will score “yes” if it has an independent expert structure whereby complaints are handled strictly by non-governmental experts. A “no” is given if the NCP has any other structure for complaint handling.	OECD Watch’s view, based on years of analysis, is that handling of cases by non-governmental (independent) experts has typically resulted in stronger outcomes and generated greater confidence among civil society. Examples of this include NCPs for whom the handling of complaints is done by independent experts drawn from different stakeholder groups external to government. This structure creates a separation between the NCP office, which is based in the government, and the independent experts that handle complaints filed to the NCP, which minimises the risk of conflicts of interest while also expanding the expertise available in the handling of complaints.	Accessible, Accountable, Impartial & Equitable	Procedures A.2

Category	Issue	Indicator	Status	Scoring	Explanation	Core Criteria	Source
Structure	Stakeholder involvement in complaints	NCP structure ensures all three core stakeholder groups (NGOs, labour unions/workers organisations, businesses) at minimum advise on individual complaints.	Permitted	An NCP will score “yes” if it formally involves all three core stakeholder groups in handling individual complaints. Examples include a quadripartite NCP (comprising equal staffing from the government and the three stakeholder groups), or an independent expert structure (comprising of independent experts drawn from each of the core stakeholder groups), <u>or</u> by involving its multi-stakeholder advisory body in complaint handling. A “no” is given if the NCP does not.	NCPs should always involve core stakeholders in their decision making on complaints. Complainants feel more trust in an NCP’s impartiality when its complaint-handling is guided by all three stakeholder groups evenly.	Accountable, Impartial & Equitable	Procedures A.2 Commentary §12
Structure	Stakeholder advisory body	NCP has a multi-stakeholder advisory body involving all three core stakeholder groups (NGOs, labour unions/workers organisations, businesses). The advisory body is meaningfully consulted by the NCP on its promotional and complaint-handling activities at least 2 times a year.	Recommended	An NCP will score “yes” if it has a multi-stakeholder advisory body that ensures equal representation/voting power to all three core stakeholder groups <u>and</u> they have met at least 2 times in the past year. A “partial” score will be given if the NCP has a multi-stakeholder advisory body with equal representation/voting power of each core stakeholder group, but it has only met once in the past year. A “no” score will be given if the NCP does not have a multi-stakeholder advisory body <u>or</u> it does not have equal representation/voting power of all three core stakeholder groups <u>or</u> they have no meetings.	NCPs are strongest when they are regularly advised by all three core stakeholder groups, as this gives them access to wider expertise. Having a stakeholder advisory body can also increase stakeholders’ and complainants’ trust in the NCP.	Accountable, Impartial & Equitable	Procedures A.2 Commentary §12
Structure	Location in bureaucracy	NCP is not housed within a ministry focused on economics, trade, or investment to limit risk of real or perceived conflict of interest.	Permitted	An NCP will score “yes” if it is not housed within a ministry focused on economics, trade, or investment. A “partial” is given if the NCP housed within a ministry focused on economics, trade, or investment, but has established a public firewall separating the NCP from other teams in the ministry. A “no” is given if the NCP is housed in a ministry with one of these focuses and has established no firewall to insulate the NCP from other work of the ministry.	NCPs located in economics or trade ministries, especially in trade promotion ministries, are distrusted by civil society who perceive that their staff operate with an innate conflict of interest, working both to advance business activity and to guide and critique irresponsible business conduct by the very same companies. OECD Watch finds that many of the strongest NCPs are located in foreign relations or other ministries not primarily focused on economic development, and that such placement helps promote independence in the NCPs’ evaluation of businesses. Where an NCP is located in a ministry focused on economics, trade, or investment, it is important that they publicly demonstrate the firewall that are in place to ensure the NCPs independence, such as through a	Impartial & Equitable	Procedures A.1

Category	Issue	Indicator	Status	Scoring	Explanation	Core Criteria	Source
					statement on its website. The firewall should ensure the NCP has independence in case management free from political interference and staff should be solely focused on NCP or RBC-related work.		
Structure	Seniority	NCP is led or overseen by senior officials that are actively engaged with the NCP’s work.	Recommended	An NCP will score “yes” if it is led or overseen by senior government officials and they are actively engaged with the NCP’s work. A “no” is given if the NCP is not.	In order to ensure the credibility and effectiveness of an NCP, it must have the adequate level of authority within the government. If an NCP does not have sufficient authority, this may impact a companies’ decision to engage with the NCP and reduces the ability of the NCP to appear as a respected and authoritative body when handling cases. It also impacts the NCP’s ability to request the government to enforce consequences for companies that engage in bad faith in the proceedings. It is not enough for an NCP to be led or overseen by senior government officials only on paper, but the NCP must be able to demonstrate that they are actively involved with its work.	Accountable	Procedures A.2 Commentary §11
Resources	Financial resources	NCP has a dedicated detailed budget that is published on its website.	Permitted	An NCP will score “yes” if it has a dedicated detailed budget <i>and</i> this is published on its website. A “partial” is given if the NCP has a dedicated detailed budget but it is not published on its website. A “no” will be given if the NCP does not.	An NCP must have sufficient financial resources to both conduct promotional activities and handle cases. By setting a dedicated budget for the NCP, the government is making a commitment and grants foresight to the NCP to plan its work and spending streams, rather than the NCP being granted funding in an ad-hoc manner as and when needs arise. Having insufficient resources or no dedicated budget limits the operational capacity of an NCP, which will lead to less/no promotional activities and likely cause delays in case handling. Publishing details of the budget allows stakeholders and the public, including potential future complainants, to scrutinise and assess if the NCP has sufficient resources.	Accessible, Visible	Procedures A.1 Commentary §13
Resources	Staffing resources	NCP employs two or more full-time staff that hold permanent (non-rotating and not short-term) positions.	Permitted	An NCP will score “yes” if it has two or more full-time staff <i>and</i> they hold permanent positions that are not subject to internal civil service rotation or capped by short-term contracts. A “partial” is given if the NCP has the equivalent of two or more full-time staff	In order to carry out its mandate, an NCP must have sufficient human resources. Understaffing leads to constraints in the amount of promotional activities an NCP can organise/participate in or delays in case handling. It can also incentivise NCPs to limit caseloads,	Accessible, Visible	Procedures A.1 Commentary §13

Category	Issue	Indicator	Status	Scoring	Explanation	Core Criteria	Source
				(for example, staff members working part-time for the NCP alongside other responsibilities), <i>and</i> those staff hold permanent positions. A “no” is given if the NCP employs fewer than the equivalent of two full-time staff <i>or</i> the staff do not hold permanent positions.	for example by setting high acceptance thresholds for cases. Excessive staff turnover can result in loss of institutional knowledge, difficulty advancing promotional strategies, and case delays. Turnover can drain an NCP’s resources due to frequent re-training needs as well as time spent re-establishing connections with stakeholders. While employment practices may differ across countries, this indicator seeks to measure continuity and institutional memory by ensuring NCPs have sufficient staff holding permanent positions, as opposed to contracts subject to civil service rotation requirements or short and non-ex-tendable terms.		
Communication							
Website	Basic information	NCP has a website that shows: - contact information for the NCP; - links to the Guidelines and translations of the Guidelines in national language(s) and English; - links to the OECD Due Diligence Guidance documents; - a comprehensive description of the Guidelines, due diligence, and the dual mandate of the NCP in national language(s) and English; and - the NCP’s most recent annual report to the OECD.	Recom-mended	An NCP will score “yes” if it has a website that includes each of the items listed. A “partial” is given if the NCP’s website contains some, but not all, of the items listed. A “no” is given if the NCP does not have a website, or the website includes none of the items listed.	In order to be accessible and to properly carry out its mandate, an NCP must at minimum have a website that includes basic information about the Guidelines and the role of the NCP. The website should include an explanation of the Guidelines and links to relevant translated versions, as well as links to the Due Diligence Guidance documents as part of the NCP’s promotion. The Guidelines are a technical document and can be difficult to understand, so it is important that NCPs’ websites include a comprehensive explanation for all stakeholders on what the Guidelines contain, including details of the complaint process offered by the NCP.	Accessible, Transparent, Visible	Proce-dures B.1 Language on visibility in Core Criteria Commentary §16
Promotion	Promotion to civil society	NCP annually promotes the Guidelines and due diligence guidance to civil society.	Recom-mended	An NCP will score “yes” if it promotes the Guidelines to civil society specifically. Examples include organising or co-organising events on the Guidelines targeted towards civil society specifically, reaching out directly to civil society, or targeting promotional materials to civil society. A “partial” is given if the NCP promotes the Guidelines to core stakeholder groups (NGOs, labour unions/workers organisations, businesses), but without any specific targeting of civil	NCPs should not only conduct promotional activities towards businesses. In order to be visible and known to civil society, NCPs should be tailoring specific promotional activities and materials to civil society. Local communities will use the Guidelines differently from other stakeholders such as businesses, exist in different locations, and may require interpretation into other languages. NCPs should take these differences into account when designing and implementing their promotional plans. It is important that NCPs	Visible	Proce-dures B.2 Language on visibility in Core Criteria Commentary §16 and §17

Category	Issue	Indicator	Status	Scoring	Explanation	Core Criteria	Source
				society. A “no” is given if the NCP does not promote to civil society.	inform civil society about the new standards and topics included in the 2023 update to the Guidelines.		
Promotion	Promotion to government	NCPs annually promotes the Guidelines and due diligence guidance to its government.	Recommended	An NCP will score “yes” if it promotes the Guidelines to other government ministries that work with businesses <u>and</u> government ministries that engage with potentially impacted rightsholders. Examples include export credit agencies, ministries of commerce, labour ministries, Indigenous Peoples ministries, or foreign missions/diplomats. A “partial” is given if the NCP promotes either to government ministries that work with businesses or those that engage with potentially impacted rightsholders, but not both. A “no” is given if the NCP does not promote to either.	It is important for NCPs to promote the Guidelines to their own government. Promoting to ministry staff engaged with businesses can help ensure the Guidelines’ and NCP’s visibility and the government’s consistency in advancing responsible business conduct. Promoting to ministries or diplomats that engage with potentially impacted rightsholders can help ensure greater awareness among stakeholders of the Guidelines and the NCP complaint mechanism. It is important that NCPs inform relevant ministries about the new standards and topics included in the 2023 update to the Guidelines.	Visible	Procedures B.2 Language on visibility in Core Criteria Commentary §17
Policy Coherence							
Policy coherence	Strengthening policy and law	NCP supports its government in developing, implementing, and fostering policies, programmes, and/or laws on responsible business conduct that are coherent with the Guidelines.	Recommended	An NCP will score “yes” if it has proactively encouraged or helped its government to develop responsible business conduct policy that is coherent with the Guidelines. For example, the NCP has provided input to strengthen alignment between the Guidelines and relevant laws, encouraged adherence to the standards by government entities engaged in commercial activities, engaged with other arms of the government to explain the Guidelines and their utility to their work, or helped develop and implement National Action Plans or other programmes relevant to responsible business conduct and/or business and human rights. A “no” is given if the NCP has only passively been consulted or informed about government initiatives, <u>or</u> it has not done anything to support its government regarding policy coherence.	The Guidelines emphasise the support that NCPs can provide to their respective governments in the development, implementation and fostering of policies on responsible business conduct that are coherent with the Guidelines. This indicator seeks to highlight practices already undertaken by NCPs. Since this is a new role for NCPs, the threshold for achieving a “yes” will be relatively low. In future we may raise the bar to measure NCPs’ involvement in coherence-related activities with greatest impact.		Procedures D Commentary §54 and §55