

**Template for civil society complaints to National Contact Points under the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct**

March 2024

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| OECD Watch has developed a template to support communities and NGOs filing National Contact Point (NCP) complaints under the 2023 OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (OECD Guidelines).  The template is based on the Procedures for NCPs in the OECD Guidelines. Because individual NCPs have their own specific complaint-handling procedures, we strongly recommend that civil society complainants review the complaint-handling procedures and any templates for filing complaints by the NCP(s) to which you are filing, and also contact those NCP(s) to discuss any specific requirements for filing complaints or questions related to your case.  This template suggests that civil society include the following sections in their complaint: a title page containing basic information about the complaint; a short overview of the complaint; an explanation of how the complaint meets each of the six criteria for the NCP’s initial assessment; requested next steps after the complaint has been filed; and attachments.  Communities and NGOs are welcome to contact OECD Watch about the template or their complaint if they have any questions. |

**Title Page**

**Specific instance (complaint) under the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct**

**Complaint filed to:**

Insert NCP contact information, including NCP country, representative or contact person (if known), email address, physical address, and telephone number. If you are filing related complaints against multiple companies to multiple NCPs, or filing one complaint to multiple NCPs, repeat information for each NCP.

**Complaint filed by:**

Insert complainant contact information, including your name, representative or contact person (if desired), email address, physical address, telephone number, and website. If there is more than one individual, community, or organisation filing the complaint, repeat information for each complainant.

If you are concerned about your security or reprisals, you can request that the NCP withhold your name and contact information from the company.

**Complaint filed against:**

Insert company contact information, including name, representative or contact person (if known), email address, physical address, telephone number, and website. If you are filing more than one complaint against multiple companies, repeat information for each company.

**Subject of complaint:**

Summarise the complaint in one sentence, including by mentioning the company, the chapters of the Guidelines you allege have not been met, and the location of the harms.

**Date complaint filed:**

Insert date that the complaint will be filed to the NCP(s).

1. **Overview of the complaint**

Briefly introduce the complaint. At a minimum, introduce your organisation, the company(ies), the issues/harms you are facing, where and when the harms occurred/are occurring/are anticipated, and the chapters of the Guidelines that have been breached. You can also summarise your request(s) of the NCP.

1. **Criteria for the NCP’s initial assessment**

The Procedures for NCPs in the OECD Guidelines set out six criteria that NCPs must consider in their initial assessment. You should address all of these criteria in your complaint.

* 1. **The complainant’s identity and its interest in the matter**

Briefly introduce your organisation’s activities and your interest in or connection to the issues you are raising. For example, you may be or represent the community affected by the company’s activities, or you may have campaigned about the issues/harms for many years. It is often helpful to refer to your organisation’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.

* 1. **The company’s identity and its coverage by the OECD Guidelines**

Include information about the company(ies), making clear why it is covered by the Guidelines, either because it 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, describe the corporate structure (if known).

* 1. **Whether the issues are material and substantiated**

This will likely be your longest section. Include a sub-section for each alleged breach of the Guidelines. Provide your strongest evidence to describe the who, how, what, when, where, and why for each allegation. Documents with additional information can be annexed to the complaint, but they should be mentioned and referenced in the text.

It may be helpful to define the company’s relationship to each harm. According to the OECD Guidelines, a company can either be causing, contributing, or directly linked to a harm. Refer to OECD Watch’s [guidance](https://www.oecdwatch.org/how-to-file-a-complaint/other-filing-considerations/company-responsibility-for-harm/) for more information.

* 1. **Whether there seems to be a link between the company’s activities and the issues raised**

You should explain the link between the harms you are facing and the company(ies). It is often not necessary to go into much detail in this section as this is usually covered in other sections.

* 1. **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**

You should describe any relevant national or international laws or standards that are relevant to the issues you are raising. You should also describe any other related complaints (including judicial, administrative, or non-judicial complaints) against the company. It is important to explain why these laws, standards, or cases do not stop the NCP from accepting the complaint. Refer to OECD Watch’s [guidance](https://www.oecdwatch.org/how-to-file-a-complaint/other-filing-considerations/parallel-proceedings/) for more information.

* 1. **Whether examining the issue would contribute to the purposes and effectiveness of the OECD Guidelines**

You should explain why the NCP should accept the complaint. Focus on your previous attempts to resolve the issues 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 example, you could seek the following outcomes as part of an agreement:

* Alignment between the company’s human rights and environmental due diligence policies and practices and the expectations in the OECD Guidelines.
* Compliance with the due diligence expectations in the OECD Guidelines, including for the company to properly identity, assess, stop, prevent, and/or mitigate harms in its own operations, as well as in its value chain, that are connected to the issues raised in this complaint.
* Meaningful engagement with stakeholders throughout the company’s entire due diligence process.
* Prevention of recurrence of harms (only if the company is *causing* or *contributing* to harms).
* Leverage or influence to mitigate harms and prevent further impacts from occurring (only if the company is *contributing* or *directly linked* to harms).
* Remedy for past harm (only if the company is *causing* or *contributing* to harms) or leverage to encourage remediation. (if the company is *directly linked* to harms).

You may also have specific requests based on the situation or desires of the impacted rightsholders.

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](https://www.oecdwatch.org/how-to-file-a-complaint/stage-two-preparing-and-filing-the-complaint/) on filing complaints to NCPs for more information.

1. **Next steps**

This section summarises the next steps in the complaint. Include at a minimum your expectations of the NCP’s own process and 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.

**Attachments**

If applicable, you can attach documents relevant to your complaint. For example, detailed information about the harms you are experiencing and the company’s involvement in the harms, company documents, your own documents or other reports (such as by another NGO or media outlets), and witness statements about the harms. All attachments should be referred to in the body of the complaint.