

# AusNCP Fact Sheet – Impartiality

How does the AusNCP ensure it is visible, accessible, transparent, and accountable, and handles complaints with impartiality?



## Three-part structure for impartiality

**Impartiality** and actively addressing bias and conflicts of interest is central to the OECD Guidelines for Multinational Enterprises and the Australian National Contact Point for Responsible Business Conduct (AusNCP).

The AusNCP has three separate components to its structure, which is designed to assist the AusNCP to operate with impartiality as a non-judicial grievance mechanism.

**The AusNCP Secretariat** in the Australian Government's Treasury manages the AusNCP, provides Secretariat services and represents Australia internationally.

**AusNCP Independent Examiners** manage complaints independently in accordance with AusNCP complaint procedures.

**AusNCP Governance and Advisory Board** is a multi-stakeholder group that provides advice to the Examiners in relation to complaints.



## Independent complaint handling

**AusNCP Independent Examiners** manage all complaints independently including communication and conciliation with parties, decision making and statements on findings.

Independent Examiners are selected via a competitive merit-based process and appointed on multi-year contracts.

Independent Examiners are supported by the Secretariat with oversight from the Board.

### Independent evaluation and decisions by Examiners at each stage of the complaints process:

- Initial Assessment to determine whether to accept, reject or transfer a complaint
- Good offices facilitated dialogue between parties.
- Final Statement recommendations about enterprise's actions consistent with OECD Guidelines.
- Follow up with parties on recommendations.

Examiners declare their interests for each complaint and generally, prior to appointment.



## Complaint procedures and confidentiality

**AusNCP complaint procedures** ensure complaints are handled in a manner that is impartial, predictable, equitable and compatible with the principles and standards of the OECD Guidelines.

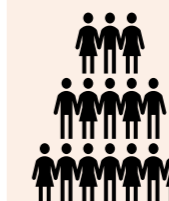
AusNCP complaint procedures govern how the AusNCP manages confidentiality, transparency, and conflicts of interest to ensure the impartial handling of complaints based on Procedural Guidance in the OECD Guidelines.

AusNCP complaints are handled sensitively to balance confidentiality and transparency.

Parties have opportunities to share information under confidential arrangements.

Information is not released publicly or shared with anyone without consent, and only with people directly assisting the Examiner e.g. parties, Board members, translators, other NCPs, officials.

Secretariat staff declare their interests consistent with Australian Public Service Values and Code of Conduct.



## Multi-stakeholder advice and oversight

**AusNCP Governance and Advisory Board** includes representatives from the Australian Government (eight members), business, civil society, and trade unions (eight members).

The Board members provide independent and impartial advice drawing on expertise, organisations and networks. It:

- Reviews all draft complaint statements and provides advice to Examiners on complaint handling.
- Promotes the OECD Guidelines and encourages businesses to act responsibly.

Board Terms of Reference, meeting minutes and membership are publicly available.

Board Terms of Reference include guidelines for disclosing interests and managing conflicts.

Registers of Board and Examiner interests are tabled at Board meetings. Members with conflicts are excluded from advising on relevant complaints.