

NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2020)

This questionnaire is designed to help National Contact Points fulfil their reporting obligations as described in the Procedural Guidance of the OECD Guidelines for Multinational Enterprises. The answers to the questions should reflect the nature and results of the activities of the NCP¹.

STRUCTURE

This questionnaire comprises 61 questions and 2 annexes under the following headings:

- A. Contact information
- B. Institutional arrangements
- C. Information and promotion
- D. Specific instances
- E. Peer learning and peer reviews
- F. Policy coherence
- G. Challenges

Annex 1: NCP PROMOTIONAL ACTIVITIES

Annex 2: SPECIFIC INSTANCES

TYPES OF QUESTIONS

1. Questions with predefined answers

For most questions, a pre-defined set of answers are provided in a drop-down menu (e.g. Yes-No-N/A). For each of these questions, please select the appropriate answer in the dropdown menu.

Example:

| (b) Promotional activities | |
|--|--------|
| 19. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? <i>If yes, please provide details in table 1 in Annex 1.</i> | Yes/No |

2. Open-ended questions

- a) Some questions are open-ended, and in these cases an answer box is provided. Many of these questions are meant to complement a question with predefined answers. Please keep responses precise and short.

Example:

| (b) Advisory body | |
|--|--------|
| 5. Does the NCP have one or several advisory bodies? | Yes/No |

¹ Page 74 of the Procedural Guidance of the OECD Guidelines for Multinational Enterprises: "Reports should contain information on the nature and results of the activities of the NCP, including implementation activities in specific instances".

If the NCP has several advisory bodies, please specify.

[Click here to enter text.](#)

- b) "Additional comments" boxes are situated at the end of each section. Please feel free to enter any additional information you would like to share in these boxes.

Example:

*Additional comments on **Advisory body***
[Click here to enter text](#)

TERMS USED IN THE QUESTIONNAIRE

A number of terms are used throughout the questionnaire. Definitions are provided below. Please note that these definitions are exclusively intended to assist in clarifying the terms used in this questionnaire. These terms will be underlined the first time they are used in this questionnaire.

- **Structure of the NCP:** The organisational set up of the NCP. Four NCP structures have been pre-identified, but other arrangements are possible:
 - Single-agency: The NCP is composed of one individual in a single ministry, or by a group of individuals belonging to the same service in the same ministry.
 - Inter-agency: The NCP is composed of a group of representatives from several ministries or government agencies.
 - Expert-based: The NCP is composed of experts who are external to government.
 - Multipartite: The NCP is composed of a group of government officials and stakeholder representatives.
- **Secretariat:** Government officials or group of government officials acting as the permanent office of an NCP.
- **Advisory body:** Some NCPs have an advisory body which can be consulted by the NCP on a range of activities and issues on which it provides advice. Advisory bodies can include representatives from trade unions, NGOs, business and/or academia, along with representatives of other government ministries or agencies. They do not normally form part of the NCP and do not have decision-making power on accepting or concluding specific instances. Some advisory bodies also provide oversight to the NCP (see below).
- **Oversight:** Monitoring of the NCP's activities performed by an Advisory body, for example on whether the NCP has followed its own rules of procedures.
- **Dedicated budget:** A budget that is allocated to the NCP on a regular basis (e.g. every year) to carry out its functions and activities.
- **Reporting:** In addition to the present report to the OECD, some NCPs provide a regular account of their activities to their national government or parliament. This reporting can take several forms: ongoing through regular reporting channels, or through the presentation of a periodic report, which may be made public.

- **Stakeholder meeting:** A stakeholder meeting is a meeting organised by the NCP to exchange with stakeholders, including trade unions, NGOs and the business community that are not part of the main body or of the advisory body of the NCP.

REPORTING PERIOD

The reporting period for this questionnaire is from 1 January to 31 December 2020.

SUBMISSION

The questionnaire should be completed by using this word document and sent by email to: RBC@oecd.org copying nicolas.hachez@oecd.org and carissa.munro@oecd.org by **22 January 2021**.

Should you have any questions on how to fill this questionnaire, please contact carissa.munro@oecd.org.

NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2020)

| A. CONTACT INFORMATION | |
|---|--|
| <i>Please provide the contact information of the person filling in the questionnaire.</i> | |
| Name: | María Paula Arenas Quijano |
| Job title: | Director Directorate of Foreign Investment and Services <i>Directora</i> <i>Dirección de Inversión Extranjera y Servicios</i> |
| Email: | marenas@mincit.gov.co |
| Telephone number: | +57 3214674889 |

| B. INSTITUTIONAL ARRANGEMENTS | |
|---|--|
| (a) Structure, location and composition of the NCP | |
| 1. What is the <u>structure</u> of the NCP? | Single-agency |
| 2. Who are the members of the NCP? <i>Please describe the functions of the members of the NCP and the ministry/organisation they represent. No names are required.</i> | The staff members of the Colombian NPC are two part time staff members, one of them is the NPC's head and also acts as the Director of the Directorate of Foreign Investment and Services of the Ministry of Trade, Industry and Tourism. The second part time staff member of the Colombian NPC acts as the Secretariat and is an adviser of the Directorate of Foreign Investment and Services of the Ministry of Trade, Industry and Tourism . |
| 3. If the NCP is not a <u>single-agency NCP</u> , does it have a <u>secretariat</u> ? | No |
| If yes, in which ministry or government body? | Click here to enter text. |
| If yes, in which department of the ministry or government body? | Click here to enter text. |
| 4. Has the NCP been established through a legislative, regulatory or administrative instrument (e.g. a statute, a decree, a ministerial resolution)? | Yes |
| If yes, please provide the name and dated of this instrument, and a link if available | The Colombian NCP is governed by a legal mandate in the form of the Presidential Decree No. 1400 of 2012. |
| <i>Additional comments on Structure, location and composition of the NCP</i> <i>The Colombian NCP is established in the Directorate of Foreign Investment and Services of the Ministry of Trade, Industry and Tourism</i> | |
| (b) Advisory body | |
| 5. Does the NCP have one or several <u>advisory bodies</u> ? | Yes |
| If the NCP has several advisory bodies, please specify. | The Colombian NCP is assisted by a Consultative Committee |
| If yes, please describe the advisory body(ies)' functions (e.g. advising on promotion, on specific instance handling in general, on individual cases, providing <u>oversight</u> , etc.) | The Consultative Committee has four main functions: 1. Advice the Colombian NCP in the handling of specific instances. 2. Support the Colombian NCP's promotional efforts. 3. Issue advisory opinions when requested by the Colombian NCP. |

| | | | |
|--|--|---------------------------|-------------|
| | 4. Seek due compliance of the provisions contained in the Guidelines and in said Decree. | | |
| If yes, please list the names of organisations that are represented on the advisory body(ies) and the type of organisation. (e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.) | The Consultative Committee is a quadripartite body and is currently composed as follows: <ul style="list-style-type: none"> • Academia: Professor and Director of the post-graduate program on Responsible Business Conduct at the <i>Universidad Externado de Colombia</i>; • Business community: Director of the Centre on Economic Studies of the National Business Association of Colombia (<i>Asociación Nacional de Empresarios de Colombia, ANDI</i>); • NGOs: Director of the area of Business and Human Rights at the <i>Fundación Ideas para la Paz (FIP)</i>; • Trade unions: President of the General Confederation of Labour of Colombia (<i>Confederación General del Trabajo, CGT</i>). | | |
| If yes, please indicate how often the advisory body(ies) meets | Between three times a year and once a month | | |
| 6. If an advisory body provides <u>oversight</u> , please describe the oversight procedure | Click to enter text. | | |
| <i>Additional comments on Advisory body:</i> The Consultative Committee has its own rules of procedure. Its members abide by a confidentiality agreement signed by all of them. The Colombian NCP has to report to its Consultative Committee twice a year. | | | |
| (c) Human and financial resources | | | |
| 7. Does the NCP have dedicated full-time staff? <i>If yes, please indicate the number.</i> | No | Click here to enter text. | |
| 8. Does the NCP have dedicated part-time staff? <i>If yes, please indicate in the second box the number of part-time staff members and in the third box the percentage of time spent on NCP matters for each part-time staff member.</i> | Yes | 2 | 25% AND 50% |
| 9. Have any full-time or part-time staff members joined the secretariat/support office during the year? <i>If yes, please indicate how many.</i> | No | Click here to enter text. | |
| 10. Have any full-time or part-time staff members left the NCP during the year? <i>If yes, please indicate how many.</i> | No | Click here to enter text. | |
| 11. Did the NCP have a <u>dedicated budget</u> this year? | No | | |
| If no, were financial resources for promotional activities allocated on an ad hoc basis when requested by the NCP? | Yes | | |
| If no, were financial resources for specific instances allocated on an ad hoc basis when requested by the NCP? | Yes | | |
| 12. During the year, did the human and financial resources available to the NCP allow it to: | | | |
| Handle specific instances in an efficient and timely manner | Yes | | |
| Organise promotional events | Yes | | |
| Attend NCP meetings at the OECD | Yes | | |

| | |
|--|---|
| Attend events organised by other NCPs | N/A: The NCP was not invited to/chose not to attend such events |
| Attend events organised by stakeholders | Yes |
| Cover professional mediator fees or in-house mediator fees | N/A: The NCP did not need to hire a professional mediator this year |
| Conduct fact-finding research into specific instances | N/A: The NCP did not need to conduct fact finding research this year |
| If you answered no to any of the above, please specify | The NCP did not need to hire a professional mediator this year and does not have financial resources available to organise promotional events |
| <p><i>Additional comments on Human and financial resources:</i> Click here to enter text.</p> | |
| (d) Reporting | |
| 13. Does the NCP <u>report</u> to the government on its activities? | Yes |
| If yes, how often? | More than three times a year |
| 14. Does the NCP report to parliament on its activities? | Yes |
| If yes, how often? | Once a year |
| 15. Please indicate any other relevant transparency requirement applicable to the NCP in your country | |
| <p><i>Additional comments on Reporting:</i> The Colombian NCP has to report to its Consultative Committee twice a year.</p> | |

| | | |
|--|-----|---|
| C. INFORMATION AND PROMOTION | | |
| (a) NCP website² | | |
| 16. Does the NCP have a website? If yes, please provide the link in the second box. | Yes | https://www.mincit.gov.co/mincomercioexterior/temas-de-interes/punto-nacional-de-contacto-pnc-de-las-directrices |
| If yes, was the website created/renovated this year? | Yes | |
| 17. Are the following items available on the NCP website? | | |
| Information about the Guidelines and the role of the NCP | | |
| The text of the Guidelines | Yes | |
| A description of the Guidelines | Yes | |
| The OECD Due Diligence Guidance Documents | Yes | |

² This includes dedicated NCP webpages as part of the Ministry's website.

| | |
|---|-----|
| Explanatory text about due diligence | Yes |
| Information on the NCP and its mandate | Yes |
| The NCP Annual Report submitted to the OECD | Yes |
| The NCP's Report to government and/or parliament (if applicable) | No |
| The NCP's peer review report (if applicable) | N/A |
| Information about specific instances | |
| Information on how to submit a specific instance | Yes |
| An online form to submit a specific instance | Yes |
| The NCP's rules of procedures | Yes |
| All final statements since 2011 | Yes |
| Information on promotional activities | |
| The NCP's promotional plan | No |
| Information on upcoming events promoting the Guidelines | Yes |
| Information on past events promoting the Guidelines | Yes |
| Contact information | |
| Information on how to make an enquiry to the NCP | Yes |
| A phone number to reach the NCP directly | No |
| An email address to reach the NCP directly | Yes |
| <i>Additional comments on NCP website:</i> Click here to enter text. | |
| (b) Promotional activities³ | |
| 18. Does the NCP have a promotional plan for the coming year(s)? | Yes |
| 19. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? <i>If yes, please provide details in table 1 in Annex 1.</i> | Yes |
| 20. Did the NCP make a presentation to promote the Guidelines and/or the NCP in events organised by others? <i>If yes, please provide details in table 2 in Annex 1.</i> | Yes |
| 21. Did the NCP make use of social media to communicate on NCP promotional activities during the year? | No |
| 22. Did the NCP hold a <u>stakeholder meeting</u> during the year? | Yes |
| 23. Did the NCP promote the Guidelines among the business community during the year? | Yes |

³ Attendance of NCP meetings held at the OECD and other OECD events such as the Global Forum on Responsible Business Conduct are not considered to be promotional activities.

| | |
|---|-----|
| 24. Did the NCP carry out any training on the Guidelines aimed at businesses during the year? | Yes |
| 25. Did the NCP promote the Guidelines among NGOs during the year? | Yes |
| 26. Did the NCP promote the Guidelines among trade unions during the year? | Yes |
| 27. Did the NCP promote the Guidelines among government agencies during the year? | Yes |
| 28. Did the NCP promote the Guidelines among embassies abroad during the year? | No |
| 29. Did the NCP promote the Guidelines to investment promotion agencies during the year? | No |
| 30. Did the NCP focus on any of the following during promotional activities during the year: | |
| OECD Due Diligence Guidance for Responsible Business Conduct | No |
| OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector | No |
| Due Diligence for Responsible Corporate Lending and Securities Underwriting and/or Responsible Business Conduct for Institutional Investors | No |
| OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas | No |
| OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector | No |
| OECD-FAO Guidance for Responsible Agricultural Supply Chains | No |
| <i>Additional comments on the section Promotional activities: Click here to enter text.</i> | |

| D. SPECIFIC INSTANCES | |
|---|--|
| (a) NCP rules of procedure for handling specific instances | |
| 31. Does the NCP have rules of procedure describing the handling of specific instances? | Yes |
| 32. Are the rules of procedure available online? <i>If yes, please provide a link in the second box. If no, please attach a copy of the rules of procedure to this questionnaire</i> | Yes https://www.mincit.gov.co/mincomercioexterior/temas-de-interes/punto-nacional-de-contacto-pnc-de-las-directrices |
| 33. Were the NCP's rules of procedure modified this year? | No |

| | |
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| <p><i>Additional comments on the section Rules of procedure:</i> Besides Decree 1400 of 2012, which governs the Colombian NCP and the handling of specific instances, in 2020 a specific document was prepared and published on the NCP web site, describing in a more friendly manner and with plain language the procedure for the submission of a specific instance and its handling.</p> | |
| <p>(b) Specific instance practicalities</p> | |
| 34. Does the NCP confirm receipt of a specific instance submission? | Yes |
| 35. Does the NCP request feedback from the parties on the procedure following the conclusion of a specific instance? | Yes |
| 36. Has the NCP staff undergone training in dispute resolution or problem solving (e.g. mediation)? | No |
| 37. Did the NCP engage professional mediators during the year? | No |
| 38. Did the NCP staff or members conduct mediation this year? | No |
| <p><i>Additional comments on the section Specific instance practicalities:</i> Click here to enter text.</p> | |
| <p>(c) Reporting specific instances</p> | |
| 39. Did the NCP receive new specific instance submissions during the year? <i>If yes, please also provide details in Annex 2</i> | Yes |
| 40. Did the NCP close specific instances during the year? <i>If yes, please also provide details in Annex 2</i> | No |
| 41. Of the specific instances that were already in progress at the start of the year, are there any that are still ongoing at the end of the calendar year? <i>If yes, please also provide details in Annex 2</i> | N/A |
| 42. Did the NCP follow up on a case during the year? <i>If yes, please also provide details in Annex 2</i> | N/A |

| | |
|---|-----|
| 43. Is the OECD case database accurate and up to date with regard to cases handled by the NCP? | Yes |
| <p><i>Additional comments on the section Reporting specific instances:</i> Click here to enter text.</p> | |

| E. PEER LEARNING AND PEER REVIEWS | |
|---|--|
| 44. Did the NCP take part in the following activities with other NCPs during the year: | |
| Host a peer learning activity | <i>No</i> |
| Participate in peer learning activities hosted by other NCPs | <i>N/A: The NCP was not invited to such an activity this year</i> |
| Co-operate with other NCPs in handling specific instances | <i>Yes</i> |
| Provide mentoring/capacity building to another NCP | <i>No</i> |
| 45. Is the NCP interested in hosting an NCP learning/experience-sharing event in 2020? | <i>Yes</i> |
| 46. Which topic would the NCP consider to be a priority to cover in a peer learning event? | Practical means for promotional events that result in the effective implementation of the Guidelines and the due diligence guides. |
| 47. Is the NCP interested in participating in developing tools for use by NCPs? | <i>Yes</i> |
| 48. Is the NCP interested in acting as a peer reviewer in the future? | <i>Yes</i> |
| If yes, please specify the semester and the year | Any time during 2021 |
| <p><i>Additional comments on the section Peer-learning and peer reviews:</i> Click here to enter text.</p> | |

F. POLICY COHERENCE⁴

⁴ Paragraph 37 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises: “Statements and reports on the results of the proceedings made publicly available by the NCPs could be relevant to the administration of government programmes and policies. In order to foster policy coherence, NCPs are encouraged to inform these government agencies of their statements and reports when they are known by the NCP to be relevant to a specific agency’s policies and programmes [...]”

| | | |
|--|---|----------------------------------|
| 49. Have the Guidelines been referred to in relevant national legislation/regulations/policies adopted during the year? <i>(e.g. on responsible business conduct; non-financial reporting, export credits regulation, public procurement)</i> | No | |
| If yes, please provide a short summary and a link to the legislation. <i>If a link is not available, please attach a copy of the legislation to this questionnaire.</i> | Click here to enter text. | |
| 50. Did your country adopt a National Action Plan (NAP) this year? <i>If yes, please indicate which type of NAP</i> | Yes | NAP on Business and Human Rights |
| If yes, please provide a link | Click to enter text. | |
| If yes, does the NAP make reference to the Guidelines? | Yes | |
| If yes, does the NAP make reference to the NCP? | Yes | |
| 51. Was a NAP in development this year? <i>If yes, please indicate which NAP.</i> | Yes | NAP on Business and Human Rights |
| If yes, did the NCP participate in the development of the National Action Plan? | Yes | |
| 52. Did the NCP communicate public statements on specific instances to officials responsible for trade missions? | No | |
| 53. Did the NCP communicate public statements on specific instances to officials responsible for foreign trade and investment incentives? | No | |
| 54. Did the NCP communicate public statements on specific instances to public procurement officials? | No | |
| 55. Does your national legislation or policy on public procurement refer to the Guidelines and/or OECD due diligence instruments and/or to the NCP process? | Yes | |
| If yes, please provide a link to the legislation. <i>If a link is not available, please attach a copy of the legislation to this questionnaire.</i> | https://www.colombiacompra.gov.co/sites/cce_public/files/cce_documents/cce_guia_cp_socialmente_responsables_0.pdf | |
| 56. Have public procurement officials/practitioners consulted the NCP on the Guidelines and OECD due diligence instruments or involved the NCP in specific public procurement opportunities? | No | |
| 57. Were public procurement officials involved in any of your training/outreach activities? | No | |
| 58. What tools or projects does the NCP develop to support public procurement practitioners on RBC and OECD due diligence? | The Colombian NCP did not develop any tools or projects to support public procurement practitioners on RBC and OECD due diligence this year | |
| 59. Please flag any specific initiatives/good practice involving public procurement and RBC in your country. | Click to enter text. | |
| 60. Please indicate any other examples of policy coherence activities. | Click to enter text. | |

*Additional comments on **Policy Coherence**:*
Click here to enter text.

G. CHALLENGES

61. Has the NCP faced any particular challenge(s) it would like to highlight this year?

*Additional comments on **Challenges**:*

1. Exploring ways of setting up a cooperation mechanism between the Colombian NCP and a third party (for instance, a university) to perform the role as a mediator in future Sis accepted.
2. Approaching key governmental entities involved in RBC issues with the aim of setting up a possible interaction mechanism.

Annex 1: NCP PROMOTIONAL ACTIVITIES

Please provide information on the events organised or co-organised by the NCP (Table 1), and events in which the NCP has participated to promote the Guidelines (Table 2).
 Please select the event type, size and type of audience as well as the theme from the dropdown menus for each event.
 Please add additional lines if needed.

Table 1

| NCP-organised and co-organised events to promote the Guidelines and/or the NCP | | | | | | | |
|--|----------------------|----------|---------------|------------------|----------------------------|---|---|
| Title | Date (dd/mm/yyyy) | Location | Type of event | Size of audience | Organised or co-organised? | Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc.</i> | Theme <i>e.g. the OECD Guidelines, the NCP activities on sector due diligence guidance documents, etc.</i> |
| Colombian NCP for the OECD Guidelines | 04/08/20 | Virtual | Webinar | 10-50 | Organised | Stakeholders and Government representatives | OECD Guidelines, Colombian NCP, handling and submission of specific instances |
| Colombian NCP for the OECD Guidelines | 05/08/20 | Virtual | Webinar | 10-50 | Organised | Stakeholders and Government representatives | OECD Guidelines, Colombian NCP, handling and submission of specific instances |
| Colombian NCP for the OECD Guidelines | 06/08/20 | Virtual | Webinar | 10-50 | Organised | Stakeholders and Government representatives | OECD Guidelines, Colombian NCP, handling and submission of specific instances |
| Colombian NCP for the OECD Guidelines | 10/08/20 | Virtual | Webinar | 10-50 | Organised | Stakeholders and Government representatives | OECD Guidelines, Colombian NCP, handling and submission of specific instances |

| | | | | | | | |
|---------------------------------------|----------|---------|---------|-------|-----------|---|---|
| Colombian NCP for the OECD Guidelines | 12/08/20 | Virtual | Webinar | 10-50 | Organised | Stakeholders and Government representatives | OECD Guidelines, Colombian NCP, handling and submission of specific instances |
| Colombian NCP for the OECD Guidelines | 18/08/20 | Virtual | Webinar | 10-50 | Organised | Stakeholders and Government representatives | OECD Guidelines, Colombian NCP, handling and submission of specific instances |
| Colombian NCP for the OECD Guidelines | 19/08/20 | Virtual | Webinar | 10-50 | Organised | Stakeholders and Government representatives | OECD Guidelines, Colombian NCP, handling and submission of specific instances |
| Colombian NCP for the OECD Guidelines | 20/08/20 | Virtual | Webinar | 10-50 | Organised | Stakeholders and Government representatives | OECD Guidelines, Colombian NCP, handling and submission of specific instances |

Total number= 8

Table 2

| Presentations by the NCP to promote the Guidelines and/or the NCP in events organised by others | | | | | | | | |
|---|----------------------|----------|---------------|------------------|--|--------------|----------------------|---|
| Title | Date (dd/mm/yyyy) | Location | Type of event | Size of audience | Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc</i> | Organiser(s) | Type of intervention | Theme of the intervention |
| ABC of the reparation mechanisms of International Financial | 26/05/20 | Virtual | Webinar | >100 | All interested persons | UNCHR | Presentation | ¿What to expect when submitting a case? |

| | | | | | | | | |
|--|--------------------|---------|------------|--------|--|--|--|---|
| Institutions and NCPs | | | | | | | | |
| V LAC Forum on Business and HRR | 10/09/20 | Virtual | Meeting | 50-100 | Private meeting between NCPs and National HR Institutions (NHRIs) | OECD-Danish Institute for HR | Discussion | NHRIs and LAC NCPs: exploring their potential for cooperation |
| V LAC Forum on Business and HRR | 11/09/20 | Virtual | Conference | 50-100 | All interested persons | UNCHR-OECD | Solving questions/comments from the audience | All avenues to reparation: discussion about Access to reparation with NCPs |
| Strategic regions for priority internationalization | 28/10/20 | Virtual | Webinar | 50-100 | Government representatives | Viceministry of Business Development – Ministry of Trade, Industry and Tourism | Presentation | OECD Guidelines, Colombian NCP, handling and submission of specific instances |
| ILO Virtual training about the strategic use of RBC mechanisms and frameworks for unions | 04/11/20 | Virtual | Other | 50-100 | Trade union representatives from Argentina, Chile, Colombia, Peru, Mexico, Costa Rica and Panama | ILO | Presentation | NCPs and the non-judicial grievance mechanism of the Guidelines |
| Training on RBC | Pre-recorded video | Virtual | Other | 50-100 | Business representatives | Fundación Ideas para la Paz – FIP (NGO Ideas for Peace) | Pre-recorded video | Colombian NCP and the non-judicial grievance mechanism of the Guidelines |
| Due diligence instruments of the OECD Guidelines and the Colombian | 10/12/20 | Virtual | Meeting | 10-50 | Swiss companies established in Colombia | Swiss Embassy | Discussion | Main areas of work of the Colombian NCP and impacts of Colombia's accession to the OECD in terms of RBC |

NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2020)

| | | | | | | | | |
|-------------------|--|--|--|--|--|--|--|--|
| and Swiss NCPs | | | | | | | | |
|-------------------|--|--|--|--|--|--|--|--|

| | |
|----------------------|---|
| Total number= | 7 |
|----------------------|---|

Annex 2: SPECIFIC INSTANCES

Please provide details of the following in the table below:

1. Specific instances **in progress** during the year (specific instances received and found to merit further examination after the initial assessment, and under consideration by the NCP).
2. Specific instances **concluded** during the year (specific instances that the NCP found to merit further examination after the initial assessment and that have subsequently been closed).
3. Specific instances **not accepted** during the year (specific instances that the NCP found not to merit further examination).
4. Specific instances for which **follow up** was performed during the year (the NCP monitored whether the agreement reached by the parties or its recommendations to the parties have been implemented)

Please add additional lines if needed.

We encourage all NCPs to inform the Secretariat on received specific instances and to provide a final statement as soon as it becomes available, in order to keep the OECD database updated at all times. For all specific instances that have not yet been reported to the Secretariat, please complete and send this [form](#) to Alison.holm@oecd.org and Kathryn.dovey@oecd.org⁵.

For all specific instances that are currently IN PROGRESS:

⁵ According to paragraph 42 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises, “[...] NCPs will report to the Investment Committee in order to include in the Annual Report on the OECD Guidelines information on all specific instances that have been initiated by parties, including those that are in the process of an initial assessment, those for which offers of good offices have been extended and discussions are in progress, and those in which the NCP has decided not to extend an offer of good offices after an initial assessment”.

| Names of parties | Date received (dd/mm/yyyy) | Is the initial assessment publicly available? | Link to OECD database if available | Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe. |
|---------------------------|-------------------------------|---|------------------------------------|--|
| Click here to enter text. | Click here to enter text. | Choose an item. | Click here to enter text. | Click here to enter text. |
| Click here to enter text. | Click here to enter text. | Choose an item. | Click here to enter text. | Click here to enter text. |

Total number= 0

For all specific instances that were CONCLUDED during the year:

| Title | Date received (dd/mm/yyyy) | Date concluded (dd/mm/yyyy) | Link to OECD database if available | Outcomes achieved | Does the final statement plan for follow up? | Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe. |
|---------------------------|-------------------------------|--------------------------------|------------------------------------|-------------------|--|--|
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. | Choose an item. | Choose an item. | Click here to enter text. |
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Click here to enter text. | Choose an item. | Choose an item. | Click here to enter text. |

Total number= 0

For all specific instances that were NOT ACCEPTED during the year:

| Title | Date received (dd/mm/yyyy) | Link to OECD database if available | Reasons for not accepting the specific instance | Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe. |
|---|-------------------------------|---|---|--|
| Trade union and a communication company operating in Colombia | 06/11/2018 | http://mneguidelines.oecd.org/database/instances/co0004.htm | Other | No |
| A financial and insurance company and an individual | 03/03/20 | http://mneguidelines.oecd.org/database/instances/co0005.htm | Other | No |

| | |
|----------------------|---|
| Total number= | 2 |
|----------------------|---|

| For all specific instances for which FOLLOW UP was performed during the year: | | | | |
|---|--------------------------------|-----------------------------------|--|--|
| Title | Date concluded (dd/mm/yyyy) | Date of follow up (dd/mm/yyyy) | Was a public follow up statement issued? | Link to the follow up statement, if applicable |
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Choose an item. | Click here to enter text. |
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Choose an item. | Click here to enter text. |
| Click here to enter text. | Click here to enter text. | Click here to enter text. | Choose an item. | Click here to enter text. |

| | |
|----------------------|---|
| Total number= | 0 |
|----------------------|---|

NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2020)

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II. QUESTIONS RELATED TO THE OECD GUIDELINES STOCKTAKING EXERCISE

A. General questions

1. Please cite what you see as the top three achievements of the work on the OECD Guidelines for Multinational Enterprises.

Raise awareness of RBC
Raise awareness and use of the non-judicial grievance mechanism
Facilitation of access to remedy

2. How does your country evaluate the overall suitability of the Guidelines to meet the challenges for RBC in the future? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

3. How does your country evaluate the suitability of the Guidelines for the following themes? [Scale 1-10, with 10 being highest suitability and 1 the lowest] Please add any further comments to elaborate on your answer or describe how the Guidelines could better address those themes (e.g. through clarifications, a revision, additional guidance or analytical work, etc.):

- Digitalisation

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Diversity, including gender

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Global environmental issues (e.g. climate change, biodiversity loss; circular economy)

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Indigenous peoples' rights

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Animal welfare

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Integrity, lobbying

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Corporate governance (e.g. Director and fiduciary duties, senior management oversight and accountability, remuneration)
1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Scope of enterprises covered (e.g. non-traditional MNEs, SMEs, other)
1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Interpretation of the Guidelines and monitoring of NCP network (taking into account the creation of the WPRBC in 2013)
1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Other (please specify):
1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

4. How does your country evaluate the suitability of the provisions of the Procedural Guidance regarding interpretation of the Guidelines and monitoring of the NCP network, taking into account the creation of the WPRBC in 2013? *[Scale 1-10, with 10 being highest suitability and 1 the lowest]*

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

5. The 2011 update of the Guidelines introduced the “proactive agenda” which has developed and implemented due diligence guidance through multi-stakeholder processes in specific sectors or for specific RBC issues. What would you say are the main achievements of the Working Party’s multi-stakeholder work on due diligence since its inception, and what should be prioritised or included to address the key issues for RBC in the future?

The main achievement of the work is the development of sectorial due diligence guides.
Some of the key issues that should be prioritised are how NCPs can help the business community to implement due diligence and the guides in practice

6. How does your country evaluate the suitability of the provisions on due diligence in the Guidelines, in particular in light of the various due diligence guidance adopted since 2011? *[Scale 1-10, with 10 being highest suitability and 1 the lowest]* Please add any further comments to elaborate on your answer or describe how the Guidelines could better address those themes (e.g. through clarifications, aligning commentary with core elements of due diligence from the

OECD Due Diligence Guidance for RBC, cross referencing the various guidance in the Guidelines, etc.):

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

B. Chapter-specific questions

I. CONCEPTS AND PRINCIPLES

1. How does your country evaluate the continued relevance of the provisions in this Chapter? *[Scale 1-10, with 10 being highest suitability and 1 the lowest]*

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Right of governments to prescribe the conditions under which multinational enterprises operate within their jurisdictions.
The scope of application of the Guidelines does not introduce differences of treatment between multinational and domestic enterprises.

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Lack of a precise definition of multinational enterprises.

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

None of the specific instances the Colombian NCP has dealt with relates to this chapter

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

The National Action Plan 2019-2022 on Business and Human Right was launched on 10th December 2020.

II. GENERAL POLICIES

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Risk-based due diligence
Prevention and mitigation of adverse impacts where enterprises have not directly contributed to that impact
Engagement in private/multi-stakeholder initiatives and social dialogue on responsible supply chain management

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Self grievance mechanisms that enterprises may offer to their employees and/or to the community affected by enterprises' operations

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

Specific Instance:
Drummond and the National Trade Union of Diseased and Disabled Workers of the Mining Sector (SINTRADEM), the General Federation of Labor, Cesar Office (CGT Cesar), and the General Confederation of Labor, Colombia (CGT Colombia)
The Colombian NCP decided to accept part of the specific instance for further examination, admitting the parts related to paragraphs 10, 11 and 12 of Chapter II (General Policies).
[http://mneguidelines.oecd.org/database/searchresults/?hf=10&b=0&r=%2Bf%2Fmne_mne_theme%2Fgeneral+policies&q=\(NCP%3A\(Colombia\)\)&s=desc\(mne_datereceived\)](http://mneguidelines.oecd.org/database/searchresults/?hf=10&b=0&r=%2Bf%2Fmne_mne_theme%2Fgeneral+policies&q=(NCP%3A(Colombia))&s=desc(mne_datereceived))

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

The National Action Plan 2019-2022 on Business and Human Right was launched on 10th December 2020.

III. DISCLOSURE

1. How does your country evaluate the continued relevance of the provisions in this Chapter? *[Scale 1-10, with 10 being highest suitability and 1 the lowest]*

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Policies and other codes of conduct to which the enterprise subscribes

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Share ownership and voting rights (structure of a group of enterprises and intra-group relations, control enhancing mechanisms).

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

None of the specific instances the Colombian NCP has dealt with relates to this chapter

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

IV. HUMAN RIGHTS

1. How does your country evaluate the continued relevance of the provisions in this Chapter? *[Scale 1-10, with 10 being highest suitability and 1 the lowest]*

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Respect of human rights

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

In particular cases, it is rather difficult and complex to determine the link between the theme of the case and human rights. The broad scope human rights have may mean any case can be alleged as a bridge of this chapter.

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

A financial and insurance company and an individual

<http://mneguidelines.oecd.org/database/instances/co0005.htm>

ExxonMobil Colombia S. A. (ExxonMobil) and the National Trade Union of ExxonMobil-Colombia (SINTRAEXXOM)

<http://mneguidelines.oecd.org/database/instances/co0003.htm>

Hoteles Decamerón Colombia S.A.S. (Hodecol S.A.S) and the National Union of the Gastronomic, Hotel and Tourism Industry Workers of Colombia (SINTHOL)

<http://mneguidelines.oecd.org/database/instances/co0001.htm>

Drummond and the National Trade Union of Diseased and Disabled Workers of the Mining Sector (SINTRADEM), the General Federation of Labor, Cesar Office (CGT Cesar), and the General Confederation of Labor, Colombia (CGT Colombia)

<http://mneguidelines.oecd.org/database/instances/co0002.htm>

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

The National Action Plan 2019-2022 on Business and Human Right was launched on 10th December 2020.

V. EMPLOYMENT AND INDUSTRIAL RELATIONS

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Taking steps to ensure occupational health and safety in enterprises operations.

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Right of workers to have trade unions and representative organisations of their own choosing recognised for the purpose of collective bargaining, and engage in constructive negotiations.

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

Trade union and a communication company operating in Colombia
<http://mneguidelines.oecd.org/database/instances/co0004.htm>

ExxonMobil Colombia S. A. (ExxonMobil) and the National Trade Union of ExxonMobil-Colombia (SINTRAEXXOM)
<http://mneguidelines.oecd.org/database/instances/co0003.htm>

Hoteles Decamerón Colombia S.A.S. (Hodecol S.A.S) and the National Union of the Gastronomic, Hotel and Tourism Industry Workers of Colombia (SINTHOL)
<http://mneguidelines.oecd.org/database/instances/co0001.htm>

Drummond and the National Trade Union of Diseased and Disabled Workers of the Mining Sector (SINTRADEM), the General Federation of Labor, Cesar Office (CGT Cesar), and the General Confederation of Labor, Colombia (CGT Colombia)
<http://mneguidelines.oecd.org/database/instances/co0002.htm>

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

The National Action Plan 2019-2022 on Business and Human Right was launched on 10th December 2020.

VI. ENVIRONMENT

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Provision of information on the potential environment, health and safety impacts of the activities of the enterprise.

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Communication and consultation with the communities directly affected by the environmental, health and safety policies of the enterprise and by their implementation

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

None of the specific instances the Colombian NCP has dealt with relates to this chapter

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

VII. COMBATTING BRIBERY, BRIBE SOLICITATION AND EXTORTION

1. How does your country evaluate the continued relevance of the provisions in this Chapter? *[Scale 1-10, with 10 being highest suitability and 1 the lowest]*

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Public procurement

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Transparency of enterprises activities in the fight against bribery, bribe solicitation and extortion.

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

None of the specific instances the Colombian NCP has dealt with relates to this chapter

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

The National Action Plan 2019-2022 on Business and Human Right was launched on 10th December 2020.

VIII. CONSUMER INTERESTS

1. How does your country evaluate the continued relevance of the provisions in this Chapter? *[Scale 1-10, with 10 being highest suitability and 1 the lowest]*

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Provision of goods and services that meet standards for consumer health and safety.
Provision of enough information to enable consumers to make informed decisions.

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Access to non-judicial dispute resolution and redress mechanisms.

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

None of the specific instances the Colombian NCP has dealt with relates to this chapter

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

IX. SCIENCE AND TECHNOLOGY

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Cooperation with local universities and public research institutions.

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Adoption of practices that permit the transfer and diffusion of technologies and

know-how.

Note: The low score of the provisions of this chapter does not mean this chapter is not relevant. Instead, the message to convey through such low evaluation would be the need to have more robust and detailed provisions that give answer to new challenges and that cover themes that go beyond what is established in national policies/legislations.

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

None of the specific instances the Colombian NCP has dealt with relates to this chapter

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

X. COMPETITION

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Most of the provisions of this chapter are already included in national legislations and enterprises abide by them.

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Certain sectors may be more prone to fall in anti-competitive practices (for instance information technology industries) but the scope of the provisions of the chapter would not be broad enough to capture these new realities.

There is a link between this chapter and procurement that may not be sufficiently reflected and therefore may need some sort of adjustment.

Note: The low score of the provisions of this chapter does not mean this chapter is not relevant. Instead, the message to convey through such low evaluation would be the need to have more robust and detailed provisions that give answer to new challenges and that cover themes that go beyond what is established in national policies/legislations.

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

None of the specific instances the Colombian NCP has dealt with relates to this chapter

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

XI. TAXATION

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Type your answer here:

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

There is a link between this chapter and competition that may not be sufficiently reflected and therefore may need some sort of adjustment.

As in the case of the Competition Chapter, the provisions of this chapter are already included in national legislations and enterprises abide by them.

Note: The low score of the provisions of this chapter does not mean this chapter is not relevant. Instead, the message to convey through such low evaluation would be the need to have more robust and detailed provisions that give answer to new challenges and that cover themes that go beyond what is established in national policies/legislations.

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

None of the specific instances the Colombian NCP has dealt with relates to this chapter

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

PROCEDURAL GUIDANCE

1. How does your country evaluate the continued relevance of the provisions of the Procedural Guidance? [Scale 1-10, with 10 being highest suitability and 1 the lowest]
- 1 2 3 4 5 6 7 8 9 10
2. Which existing provisions of the Procedural Guidance have enabled NCPs to effectively fulfil their mandate and lead to achievements?

Commentary on the Procedural Guidance for NCPs

3. Which provisions do you think are missing or are inadequate in this regard?

Although the "Commentary on the Procedural Guidance for NCPs" was one of the main achievements of the update of the Guidelines and it's extremely relevant, there are certain elements that may need to be improved. In particular, the implementation in specific instances. In practice, the experience of NCPs handling specific instances has shown there may be some a shortage when particular situations come up, and where more details and guide may be provided.

4. Please provide examples of the most relevant specific instances that your NCP has dealt with, and which illustrate the continued relevance of the Procedural Guidance, leading to achievements; or which show gaps or inadequacies in the Procedural Guidance (please provide the link to the case in the NCP case database, and a short explanation)?

A financial and insurance company and an individual
<http://mneguidelines.oecd.org/database/instances/co0005.htm>
The individual submitting the specific instance alleged that the company breached the human rightst chapter of the Guidelines by not granting a survival pension to a disabled child beneficiary of her late father. As the scope of human rights is too broad and any claim may fall under such provisions, for the Colombian NCP the Commentary on the Procedural Guidance and also the Commentary on the Human Rights Chapter was not sufficiently detailed to give light on how to asses such case.

Trade union and a communication company operating in Colombia
<http://mneguidelines.oecd.org/database/instances/co0004.htm>
On 6th November 2018 an industry trade union submitted a specific instantce alleging the non-observance of the Employment and Industrial Relations Chapter by a communication company operating in Colombia.
As the parties were involved in a collective bargaining and a decision by an arbitration tribunal was pending, the NCP decided to delay the initial assessment in March 2019.
The parties decided to extend the direct bargaining process in order to try to settle their differences so in November 2019 the submitter requested the NCP to suspend the process before it. In the following months, several times the NCP requested the submitter an update of the direct bargaining process, of the status of its request of suspending the process before the NCP, and of the current facts supporting the specific instance, as the parallel proceedings that had taken place since its submission may have changed. The submitter replied to the NCP's requests until May 2020, requesting the NCP to continue the proceeding before it but without submitting updated facts and instead, adding new facts.
Due to the absence of clarity about the current facts the submitter would be alleging the company is not complying with, the need to carry out due diligence in the handling of specific instances, and that the present case was submitted since November 2018; in May 2020 the Colombian NCP determined that the specific instance would not be accepted.
It would be useul if the Commentary on the Procedural Guidance may provide guide on how to deal with these type of situations.

5. Please include any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of the Procedural Guidance.

Type your answer here:

NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2020)

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END OF QUESTIONNAIRE