

Responsible business conduct

CSR/RBC

The OECD Standards

The OECD National Contact Point



POLAND
NATIONAL CONTACT POINT

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MINISTRY OF
DEVELOPMENT FUNDS
AND REGIONAL POLICY



Responsible business conduct

Corporate social responsibility (CSR)

is “the responsibility of enterprises for their impacts on society”, as defined by the European Commission in 2011. The impacts are multidimensional and reflect not only in the enterprises’ care for the natural environment, employees and working conditions. The impacts the enterprises exercise on their environment may also be recognized in conducting their business based on similar values, in exercising due diligence in the manufacturing processes and in the entire supply chain.

Responsible business conduct (RBC)

is a term used by the Organization for Economic Cooperation and Development (OECD), but with a strong focus on investment, respecting human rights, protecting consumer rights and due diligence. The principles of responsible business conduct were formulated in the **OECD Guidelines for Multinational Enterprises** and in the OECD Sectoral Guidances.

The OECD Guidelines for Multinational Enterprises (OECD Guidelines)

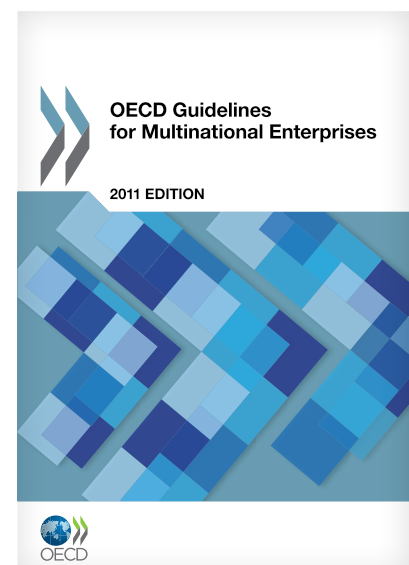
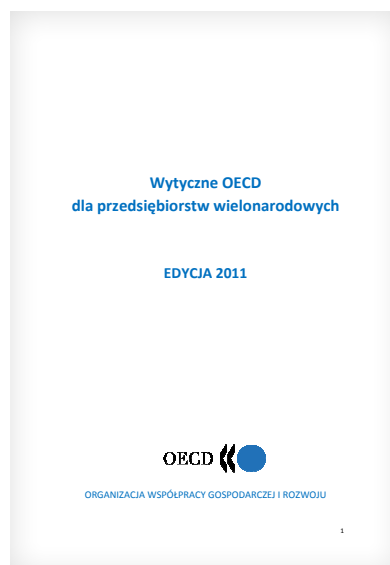
Issued in 1976, they contain recommendations on responsible business conduct. The OECD Guidelines were actualized over the following years. The currently valid version was edited in 2011 and was extended by adding a chapter on human rights. The scope of the OECD Guidelines was also extended by business relations (including in the supply chain), and the term of due diligence based on risk assessment was introduced.

The OECD Working Party on Responsible Business Conduct

In 2013, the Investment Committee of the OECD appointed the Working Party on Responsible Business Conduct (WPRBC) which is composed of governmental experts from the states implementing the OECD Guidelines. During the meetings of the Working Party issues related to the RBC practices are discussed as well as the OECD National Contact Points functioning.

The Network of the OECD National Contact Points

The states implementing the OECD Guidelines are obliged to appoint the OECD National Contact Point for responsible business conduct (the OECD NCP). The OECD NCPs operating currently in 49 states form the Network of the OECD NCPs which holds two meetings in the Paris Headquarters of the OECD a year.



The RBC Standards

In the meaning of the OECD Guidelines, responsible business conduct means that enterprises should follow the valid international laws and standards to:

- a. contribute to the economic, environmental and social development to achieve sustainable development, and
- a. take up actions to prevent adverse impacts which may result from the activities of the enterprise, or to mitigate such adverse impacts. The activities will be supported by the process of due diligence.

The OECD Guidelines are addressed to the multinational enterprises which operate or are seated in the countries implementing the OECD Guidelines. The recommendations formulated in the OECD Guidelines are consistent with the international norms on responsible business conduct.

Multinational Enterprise

The OECD Guidelines do not define the multinational enterprise because it is assumed that such enterprises operate in all sectors of the economy and are usually companies or other entities seated in more than one country and are inter-related in a way that allows them to coordinate their activities in various ways. That refers to both private enterprises, State owned enterprises, and enterprises with a mixed ownership structure.

It may happen that one or more units of the enterprise will significantly impact others, but the

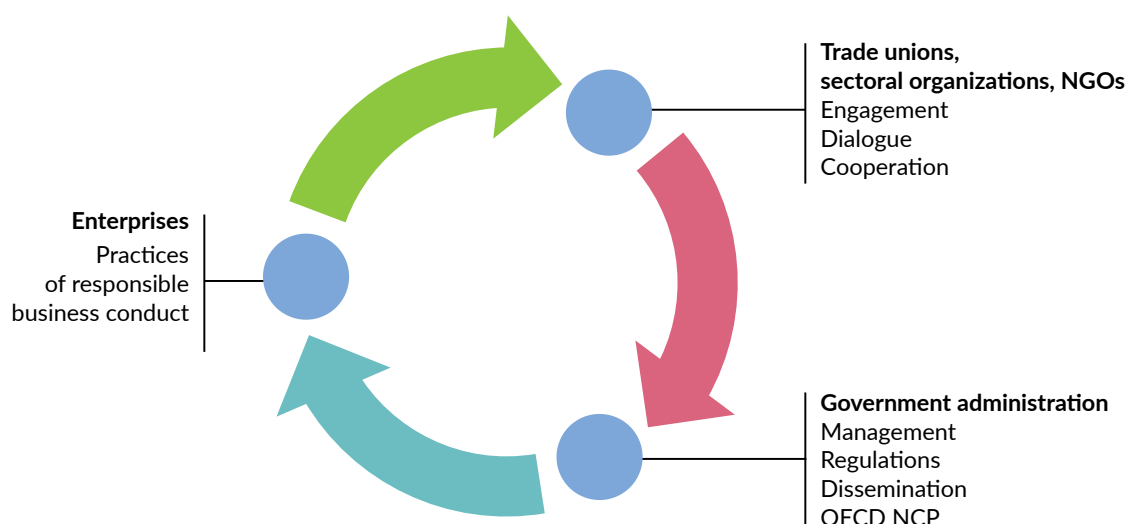
degree of autonomy of the individual units of the enterprise may be diversified in different multinational enterprises.

The OECD Guidelines are addressed to all the units which form part of the multinational enterprise (the dominant enterprises and/or local units). According to the real division of responsibility, it is expected that all the units of the multinational enterprise will cooperate to implement the OECD Guidelines.

Government administration and the CSR/RBC standards

The role of the public administration is to create favourable conditions for shaping the cooperation of partners in the public sphere for the implementation of the CSR/RBC and sustainable development standards, as well as to provide support for the implementation of the principles formulated in the *UN Guiding Principles on Business and Human Rights*.

The public administration, enterprises and the civic society have complementary functions in terms of CSR/RBC, are inter-dependent and require all stakeholders to cooperate with each other – the public administration, enterprises, employees' organizations, trade unions, sectoral organizations, the civic society organizations and the entire society.



The OECD Guidelines for Multinational Enterprises

I. Concepts and Principles



The first chapter of the OECD Guidelines specifies the concepts and principles which form a framework for all the recommendations put forward in the subsequent chapters.

This chapter specifies, among others the basic obligation of enterprises to adhere to domestic law, as well as explains the essence of the functioning of the multinational enterprises in the meaning of the OECD Guidelines.

II. General Policies



The introduction with concrete recommendations for enterprises contains 15 recommendations on what the enterprises should consider in their activities, supplemented

with two recommendations on how to support the attempts of stakeholders in terms of social dialogue. This chapter also contains provisions on due diligence, reacting to adverse impacts and on engaging the stakeholders.

III. Disclosure

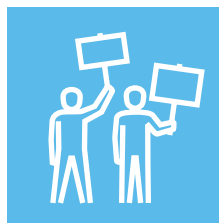


Enterprises should operate in a transparent way and should disclose information on their activities. That will enable different groups of stakeholders to better understand the activities

of the enterprises and their relationships with the society and the environment. It is recommended to disclose information in two areas:

information about the enterprise, including its financial situation, financial results, ownership and supervision as well as information on social, environmental and risk-related issues.

IV. Human Rights



Enterprises can influence human rights through their activities. Regardless of the size of the enterprise, business sector, operational context, ownership and organizational

structure, or the place of business, the enterprise should respect human rights. This chapter refers to the UN framework “Protect, Respect and Remedy” and the UN Guiding Principles on Business and Human Rights.

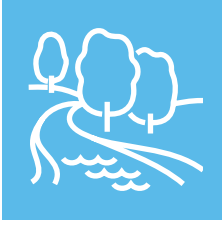
V. Employment and Industrial Relations



Within the framework of applicable laws, regulations and prevailing labour relations, enterprises should carry out their activities in a way which enables, among other things, to respect

the right to establish and join trade unions, contributes to the abolition and elimination of child labour and forced labour, and is consistent with the principle of equal opportunity and equal treatment. The terminology used in this chapter corresponds to the terminology used in the documents of the International Labour Organization.

VI. Environment



Proper environmental management is a crucial element of the sustainable development. The chapter “Environment” formulates recommendations for multinational enterprises in

the environmental protection and sustainable development. Enterprises should recognize the needs related to the protection of the environment, public health and safety, and act in a way which supports the attainment of a broader goal of the sustainable development.

VII. Combating Bribery, Bribe Solicitation and Extortion



The recommendations formulated in this chapter are based on the activities of the OECD for combating bribery. Enterprises should not, directly or indirectly, offer, promise, give,

or demand a bribe or other undue advantage to obtain or retain business or other improper advantage. Enterprises should also resist the solicitation of bribes and extortion.

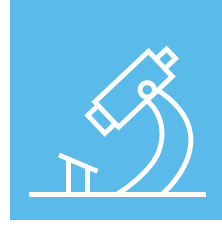
VIII. Consumer Interests



When dealing with consumers, enterprises should act in accordance with fair business, marketing and advertising practices and should take all reasonable steps to ensure the

quality and reliability of the goods and services that they provide. This chapter was prepared based on the activities of the work of the OECD Committee for consumer protection and of other international organizations.

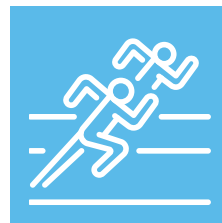
IX. Science and Technology



Enterprises should endeavour to ensure that their activities are compatible with the science and technology (S&T) policies and plans of the countries in which they operate and,

whenever possible, develop the cooperation with local R&D institutions. That should strengthen the promotion of the transfer of technologies between countries and contribute to their innovative capacity.

X. Competition



This chapter emphasizes the importance of competition laws and regulations to the efficient operation of both domestic and international markets. Enterprises should carry

out their activities in a manner consistent with all applicable competition laws and regulations and refrain from any anti-competitive actions. Furthermore, they should be aware of any changes in remedial measures, sanctions and competition laws, and of the scope of cooperation with competition authorities.

XI. Taxation



Enterprises should pay their tax liabilities in a timely manner by complying with the regulations of the country in which they operate. Enterprises should provide the compe-

tent bodies with any information which may be necessary to correctly establish the tax amounts, and should avoid transferring their profits/losses abroad to decrease their tax burden. Furthermore, they should treat tax governance and tax compliance as important elements of their oversight and broader risk management systems.

The OECD Sectoral Guidance's

The OECD Guidelines for Multinational Enterprises are supplemented by the OECD Guidance which considers the specifics of the five main sectors: extractive, the so-called “conflict minerals”, agriculture, garment and footwear and financial, and the general guidance on due diligence.

The extractive sector



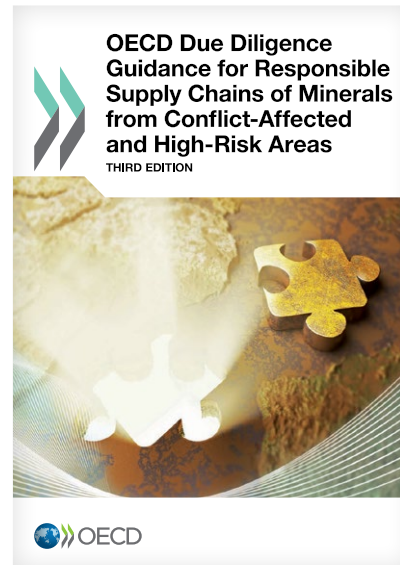
The OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector (2016)

The Guidance is not a new standard. It refers to the OECD Guidelines for Multinational Enterprises to facilitate the enterprises from the extractive sector to implement them by exercising due diligence. This document is aimed at providing the enterprises with practical instructions as to the cooperation with stakeholders, e.g. on how to involve the stakeholders in responsible business conduct in the extractive sector.

To use the Guidance is recommendable for the enterprises which are related to the extractive sector, in particular those performing exploration, development, mining, processing, transporting and storing oil, gas and minerals.

The document is available in Polish.

Conflict minerals



The OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (3. edition, 2016)

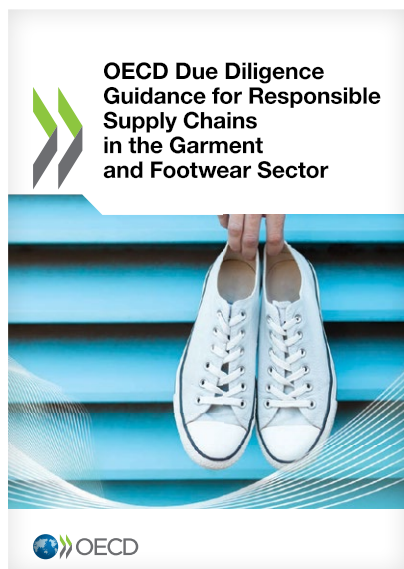
The Guidance contains the recommendation of the OECD Council, the guide, along with a supplement on 3Ts minerals (tin, tungsten and tantalum) and a supplement on gold.

The Guidance may be useful for enterprises by performing the due diligence analysis being a basis for the responsible supply chain management of minerals from conflict-affected and high-risk areas.

The second edition of the Guidance of 2013 is available in Polish.

The OECD Sectoral Guidance's

The garment and footwear sector



The *OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector* (2016)

The Guidance is to support enterprises in the implementation of the process of due diligence along the entire supply chain of the garment and footwear sector so that they can prevent and mitigate potential adverse impacts of their activities and of their supply chains.

The OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector are divided into two parts. The first part contains a description of the process of due diligence, while the second consists of modules related to due diligence in specific risk areas, including: child labour, sexual harassment in the workplace, forced labour, working time, occupational health and safety, trade unions and collective bargaining, wages, and the environmental protection.

The document is available in Polish.

The agriculture sector



The *OECD-FAO Guidance for Responsible Agricultural Supply Chains* (2015)

Enterprises of the supply-chain of agricultural products may create jobs, increase working standards and introduce new technologies to increase the agricultural production and reduce the pollution. However, the activities of the enterprises may undermine the food safety.

The OECD-FAO Guidance supports the enterprises by following the RBC standards, while emphasizing that their activities should not have any adverse impacts and should contribute to the sustainable development. The OECD-FAO Guidance is addressed to domestic and international, small, medium-sized and large enterprises along the entire supply chain of agricultural products.

The OECD Sectoral Guidance's

The financial sector I



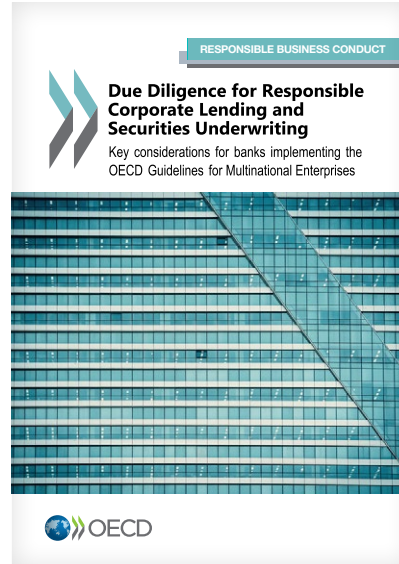
The OECD Guidelines on Responsible Business Conduct for Institutional Investors (2017)

The Guidelines are to facilitate institutional investors the implementation of due diligence recommendations, as mentioned in the OECD Guidelines for Multinational Enterprises, to prevent or mitigate adverse impacts for human and workers' rights, the natural environment, and bribery practices in the investment portfolios.

The document specifies which most important activities asset managers and owners should take at each stage of the process of due diligence, as well as discusses the most important aspects, including the challenges, existing practices and regulations concerning the investment sector, which may determine methods for exercising due diligence.

The document is available in Polish.

The financial sector II



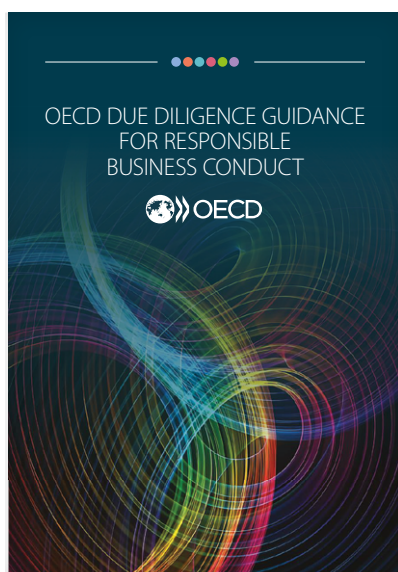
The OECD Guidelines on Due Diligence for Responsible Corporate Lending and Securities Underwriting (2019)

The document is addressed to banks and is aimed at supporting them in the process of understanding the principles of due diligence in the tailored- made implementation of the *OECD Guidelines for Multinational Enterprises*. It discusses the matters which are important for banks at each stage of the process of due diligence, which may facilitate the banks to combat or mitigate adverse impacts.

The document also discusses the most important matters concerning the practices and regulations related to corporate lending and securities underwriting, which may determine the methods of due diligence.

The OECD Guidelines for Multinational Enterprises and the complete OECD Sectoral Guidance are available on the [Internet website of the OECD NCP in Polish](#) and on the [Internet website of the OECD NCP in English](#)

The OECD Due Diligence Guidance



The OECD Due Diligence Guidance for Responsible Business Conduct (2018)

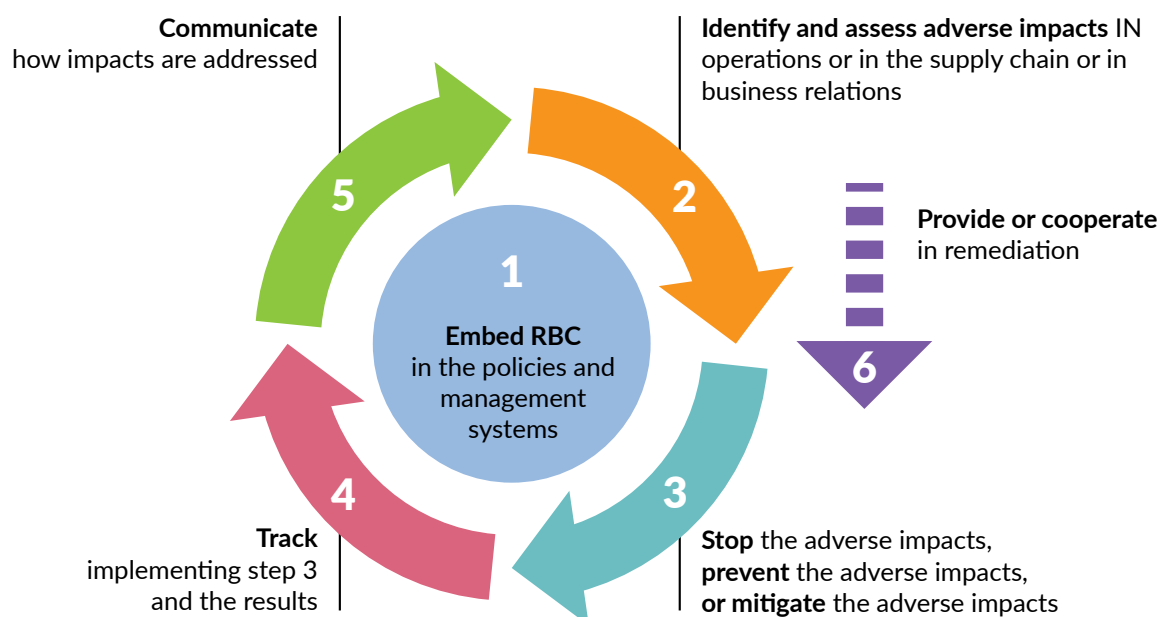
The Guidance provides a practical support for enterprises in the implementation of the *OECD Guidelines for Multinational Enterprises*, because it contains explanations, instructions and example

illustrations of due diligence. **Due diligence is a process** which enterprises should conduct to identify factual and potential adverse impacts of their activities, prevent and mitigate the adverse impacts both in their basic activities and in the supply chain and in other business relationships.

To be effective, due diligence should be supported by the enterprise's endeavours to combine the management policies and systems to react to the factual and potential adverse impacts of its activities.

By implementing the recommendations on due diligence, enterprises are able to take up appropriate actions more effectively in case there occur any adverse impacts for employees, respecting human rights, the environment, bribery practices, consumers, corporate governance both in the activities of the enterprises, their supply chains and other business relationships.

The 6-step process of due diligence and supporting measures



The Polish OECD National Contact Point

The states implementing the OECD Guidelines are obliged to appoint **the OECD National Contact Point for responsible business conduct** (the OECD NCP). The main task of the OECD NCP is to disseminate the OECD Guidelines and to examine **reports on the alleged violation of the OECD Guidelines by enterprises**.

The OECD NCP in Poland

1996	Poland joins the OECD
1998 – 2001	Polish NCP operates in the Ministry of the Treasury, then in the Ministry of the Economy
2001 – 2016	Polish NCP operates by the Polish Information and Foreign Investment Agency (PAIiZ)
since 1 June 2016	Polish NCP operates in the Ministry of the Economic Development and subsequently in the Ministry of Investment and Economic Development, currently in the Ministry of Development Funds and Regional Development, being part of the Office of the Minister
Contact data	E-mail address: kpk.oecd@mfi.pr.gov.pl Telephone:: 22 273 84 99, 22 273 86 04



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Irrespective of the location and structure of the NCP in the host country, each NCP operates based on the criteria laid down in the OECD Guidelines:



visibility



accessibility



transparency



accountability

During the proceeding, the OECD NCP is obliged to adhere to the principles of: **impartiality, predictability, justice and compliance with the OECD Guidelines**.

The proceeding before the OECD NCP is based in particular on **the principle of confidentiality** which is binding both **for the parties and for the OECD NCP**.

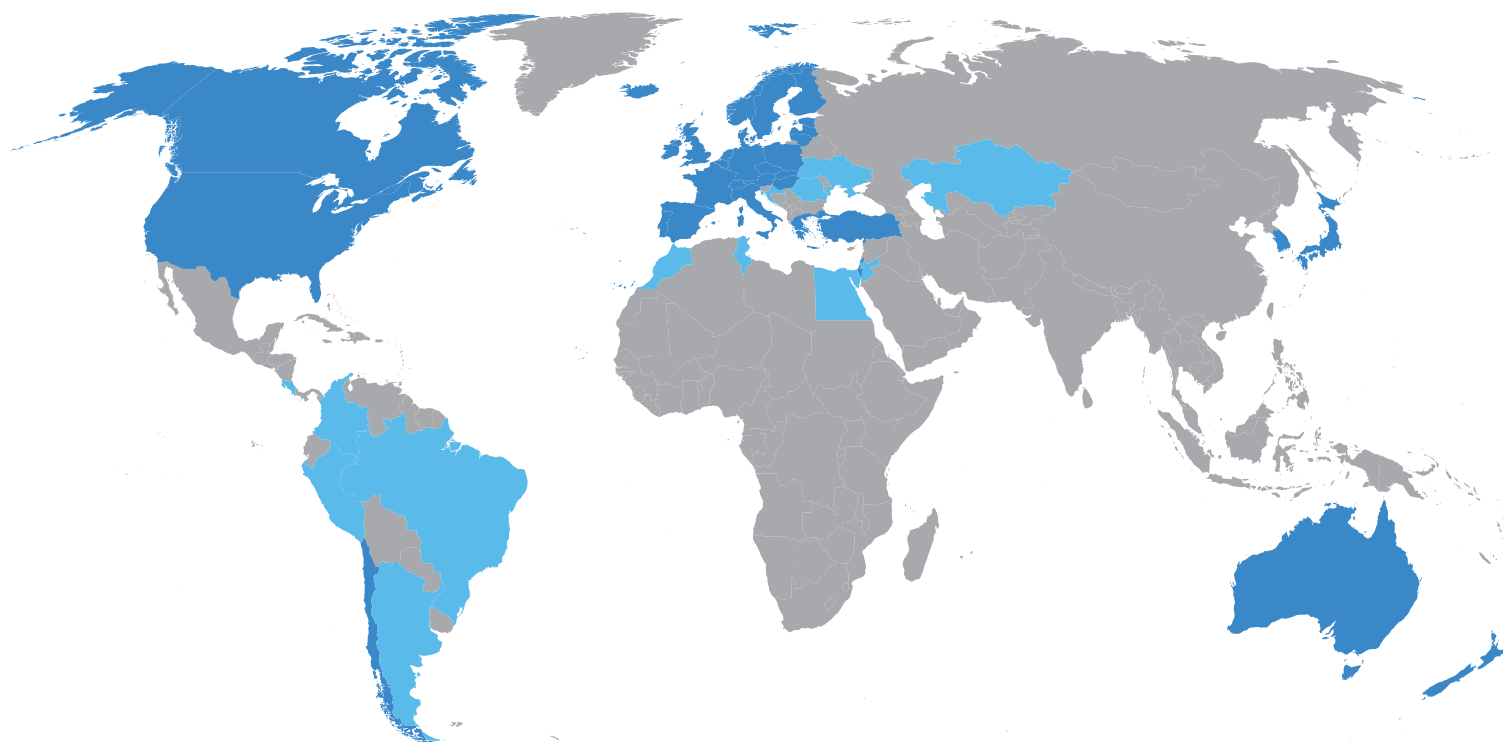
The Network of the NCPs

The NCPs currently operate in

36 Member States of the OECD: Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Lithuania, Luxembourg, Latvia, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom, the United States of America,
and in **13 non-Member States of the OECD** which implement *the OECD Guidelines for Multinational*

Enterprises: Argentina, Brazil, Colombia, Costa Rica, Croatia, Egypt, Jordan, Kazakhstan, Morocco, Peru, Romania, Tunisia, and Ukraine.

The NCPs are appointed by the states adhering to the OECD Guidelines and may be organized in various structures. In 2019, the NCPs of 32 countries operated in the ministries of the economy, trade or investment, while 7 countries located them in the ministries of foreign affairs and 5 countries in the investment promotion agencies. In four countries, the NCPs operates outside of the governmental structure.



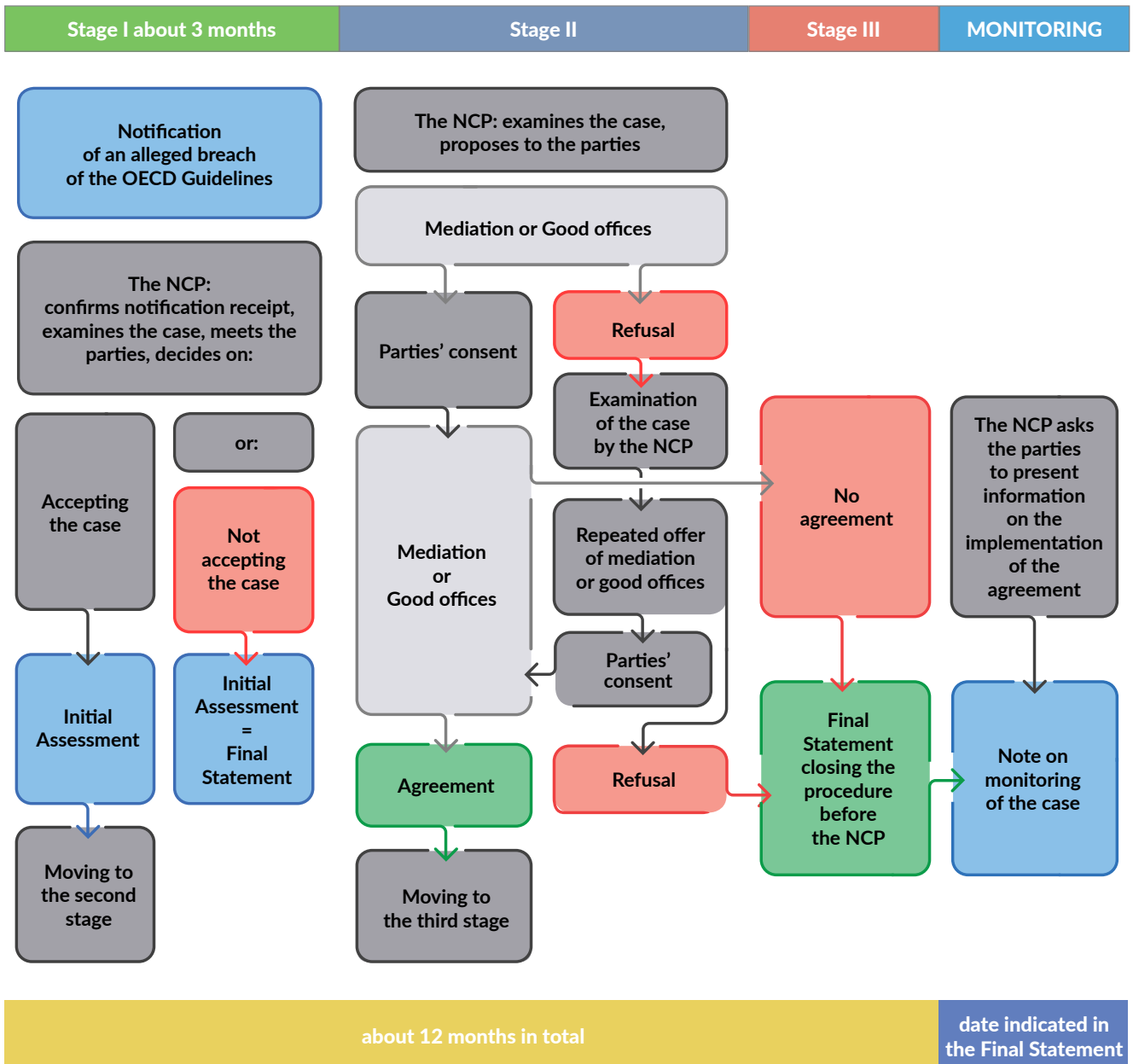
- the OECD Member States, which are Adherents to *the OECD Guidelines for Multinational Enterprises*
- non-Member States of the OECD, which are Adherents to *the OECD Guidelines for Multinational Enterprises*

Proceeding before the Polish NCP

By conducting the proceeding based on the reports of the alleged violation of the OECD Guidelines, the NCP strives to strengthen the standards of responsible business conduct while assuming that the responsible enterprise participates in the economic, environmental and social development, cares about respecting human rights and the natural

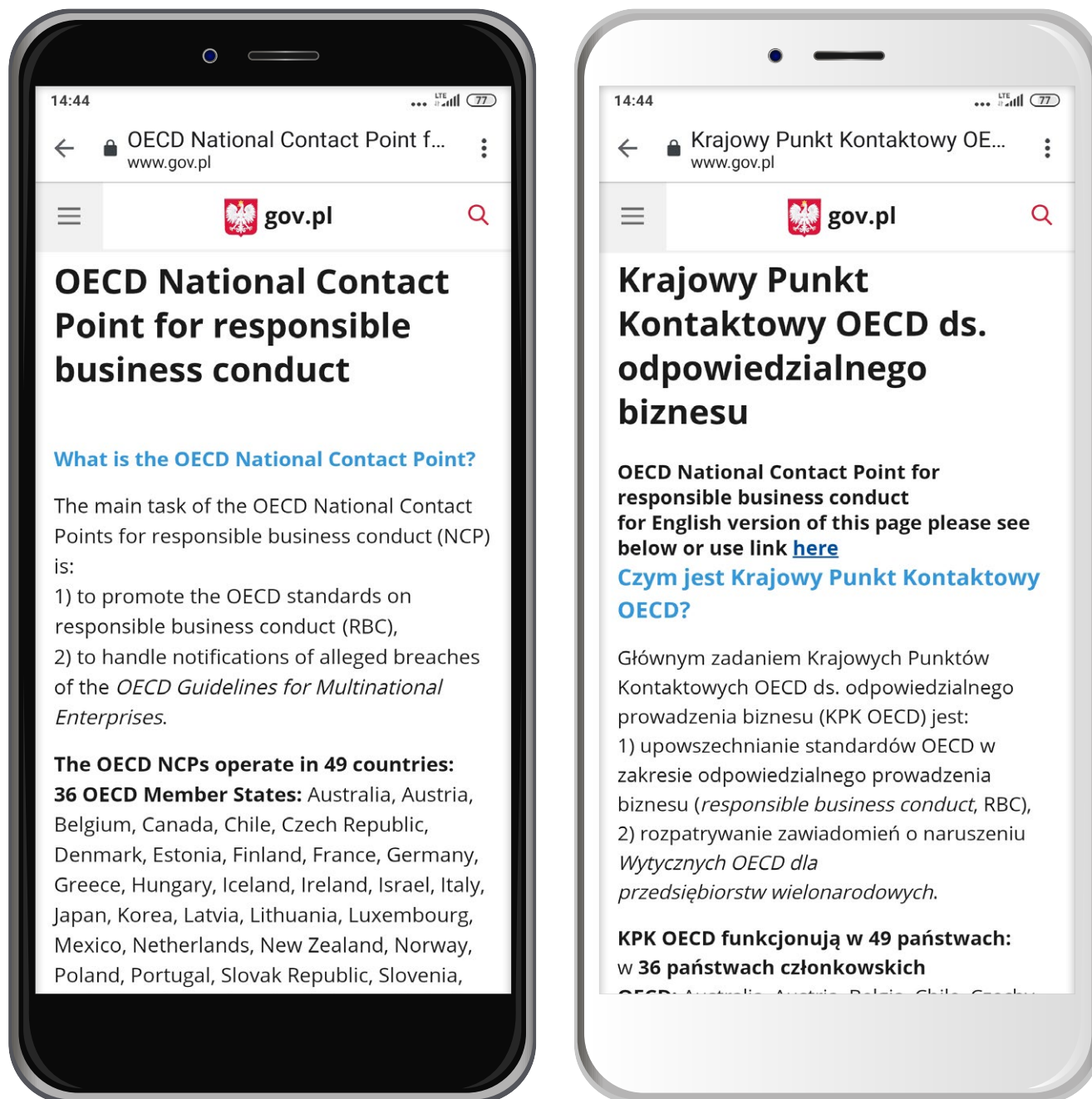
environment, is in dialogue with its stakeholders and diligently communicates its activities. Each NCP conducts the proceeding by following the adopted procedure which specifies which activities the NCP is to carry out at subsequent stages of the proceeding.

Flow chart of conduct procedure before the Polish NCP



The Polish NCP website

The proceeding before the Polish NCP is described on the [Internet website of the OECD NCP](#) in Polish and in **English, Russian and Ukrainian**.



[The notification form](#) of the alleged breach of the OECD Guidelines should be completed in Polish because the proceeding is conducted in Polish.

The notification on the alleged breach of the OECD Guidelines should be submitted by sending the report form to the e-mail address: kpk.oecd@mfi.pr.gov.pl



OECD **GUIDELINES**
FOR MULTINATIONAL
ENTERPRISES



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MINISTRY OF
DEVELOPMENT FUNDS
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