



Business at OECD Comments on the Efficient handling of specific instance submissions

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- *Business at OECD* welcomes the proposed package of tools to improve the handling of specific instances by National Contact Points (NCPs). We strongly support efforts to make procedures more efficient, predictable and accessible. This is particularly important given the growing number of submissions and the significant delays in case handling.
 - **First business priority: improve efficiency and predictability.** We support the proposed standardised submission form and the early identification of manifestly inadmissible cases. The OECD should encourage NCPs to apply clear and consistent initial assessment criteria, including whether allegations are material and supported by sufficient, credible information. Companies should receive a clear explanation of the issues raised and reasonable opportunities to respond. NCPs should also establish indicative deadlines for each procedural stage and communicate delays to both parties.
 - **Second business priority: preserve the voluntary and solution-oriented nature of NCPs.** NCPs are non-judicial mechanisms designed to facilitate dialogue and mutually acceptable solutions. They should not be treated as investigative or enforcement bodies. We encourage the OECD to make this distinction explicit in its communication materials. Both parties should be expected to engage in good faith, while legitimate reasons for declining mediation should be considered fairly and on a case-by-case basis.
 - **Third business priority: strengthen confidentiality and procedural safeguards.** Confidentiality is essential to create a safe environment for mediation. NCPs should protect commercially sensitive information and avoid premature public communication that could cause disproportionate reputational harm. We encourage the OECD to develop clear safeguards on information-sharing, including appropriate redaction of confidential documents and consultation with the parties before public statements, consistent with the Guidelines' transparency requirements.
 - **Fourth business priority: reduce unnecessary procedural burdens.** Standardised forms should help identify relevant information without encouraging lengthy or overly technical submissions. NCPs should apply proportionality when requesting supporting evidence and avoid repeated information requests. The OECD should also assess whether the new tools actually reduce processing times and administrative costs for NCPs and the parties involved.



Business at OECD Comments on the Functional equivalence and institutional arrangements of NCPs

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- *Business at OECD* welcomes the OECD's assessment of institutional arrangements across the NCP Network. We strongly support the objective of improving functional equivalence. As highlighted in our previous contributions, all adhering governments should ensure that their NCPs are effective, adequately resourced and trusted by stakeholders. This objective must be pursued while preserving flexibility in national institutional arrangements.
 - **Preserve institutional flexibility while improving performance.** We welcome the recognition that no single institutional model is appropriate for all NCPs. Functional equivalence should be assessed against the core effectiveness criteria, rather than the adoption of a particular governance structure. The OECD should identify which institutional practices deliver tangible improvements in case handling, stakeholder confidence and the promotion of the Guidelines.
 - **Strengthen business representation and engagement.** We encourage governments to ensure meaningful participation by representative business organisations, including through advisory bodies where appropriate. NCPs should establish regular consultations with national employer federations and business associations, beyond individual case proceedings. The OECD could develop a short good-practice guide on business engagement, drawing on successful national examples. BIAC stands ready to mobilise its member organisations to support this work.
 - **Address persistent resource constraints.** Adequate human and financial resources are essential to effective NCP functioning. This is particularly important following the 2023 revision of the Guidelines, which expanded expectations in areas such as the environment and technology. Governments should ensure access to qualified staff, specialised expertise and senior leadership. The OECD should also prioritise capacity-building and peer learning for NCPs facing the greatest operational challenges.
 - **Strengthen impartiality, transparency and accountability.** We support clear safeguards against conflicts of interest, including transparent decision-making procedures and appropriate separation of functions where necessary. These safeguards should apply consistently and ensure the confidence of all parties. NCPs should also regularly consult stakeholders when reviewing their institutional arrangements and publish accessible information on their governance and procedures.



- **Make peer reviews more targeted and results-oriented.** Peer reviews should identify concrete improvements, supported by clear recommendations and follow-up. Particular attention should be paid to NCPs with persistent capacity or performance gaps. The OECD should assess progress through practical indicators, including case-handling times, stakeholder engagement and implementation of peer review recommendations.