

OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES  
**PERU NCP**  
REPORT TO THE OECD  
**2014**

National Contact Points must report annually to the OECD Investment Committee on the nature and results of their activities to further the effectiveness of the Guidelines for Multinational Enterprises, including implementation activities in specific instances.

A Common Reporting Framework, based on the Implementation Procedures of the Guidelines, assists NCPs prepare these reports. This information is the basis for the Chair's Annual Report to the OECD Council.

## Common Reporting Framework

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## Common framework for annual reporting by National Contact Points

The role of National Contact Points is to further the effectiveness of the Guidelines by undertaking promotional activities, handling enquiries and contributing to the resolution of issues that arise relating to the implementation of the Guidelines in specific instances. NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability.

### A. Institutional arrangements

#### 1. Governmental location of the NCP

Depending on the Ministry of Economy and Finance of Peru through the Private Investment Promotion Agency-PROINVERSION.

#### 2. Structure of the NCP

Monopartite  Interagency  Bipartite  Tripartite  Quadripartite  Independent Expert Body

PROINVERSION counts on with a Steering Committee chaired by the Minister of Economy and Finance and composed of the Ministry of Mines and Energy, the Ministry of Transportation and Telecommunications, the Ministry of Agriculture and the Ministry of Housing, Construction and Sanitation.

3. Does the NCP have an advisory body?  Yes  No

4. Does the NCP have an oversight body?  Yes  No

5. Was the NCP structure modified in the reporting period?  Yes  No

#### 6. How does this structure enable the NCP to operate effectively?

The Steering Committee allows PROINVERSION to interact with the various governmental agencies in order to deal on an effective basis with the different issues covered by the guidelines

7. Does the NCP have an allocated budget?  Yes  No

8. Does the NCP have dedicated staff?  Yes  No

#### 9. Are changes in the structure or resources available to the NCP contemplated in the near future?

Yes  No

#### 10. Does the NCP report within the Government on its activities?

Yes  No

The NCP activities are reported in the context of the institutional operative annual Plan.

## B. Information and promotion

11. Does the NCP have a dedicated website or dedicated webpages?  Yes  No

The web site of PROINVERSION provides information regarding the participation of Peru in the Investment Committee and as NCP, both in Spanish and English languages.

<http://www.investinperu.pe/modulos/JER/PlantillaStandard.aspx?are=1&prf=0&jer=5758&sec=17>

12. Are the 2011 Guidelines available online?  Yes  No

In English language.

13. Are the 2011 Guidelines available in print?  Yes  No

14. Did you develop other products to raise awareness of the Guidelines?  Yes  No

15. Is your Annual Report available online?  Yes  No

<http://www.investinperu.pe/modulos/JER/PlantillaStandard.aspx?are=1&prf=0&jer=5758&sec=17>

16. Is your Annual Report available in print?  Yes  No

17. Does the NCP coordinate with other government activities on responsible business conduct?

Yes  No

The PNC collaborated with the Department of Prevention and Resolution of Conflicts and Corporate Social Responsibility work of the Peru's Ministry of Labour and Employment Promotion in the occasion of the V National Workshop on Corporate Social Responsibility, held in Lima on December 11, 2013. The NCP, participated in the indicated workshop with a presentation about the OECD Guidelines and their contribution to sustainable development.

18. Does the NCP, together with appropriate state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs ...), inform prospective investors about the Guidelines and their implementation?

Yes  No

The NCP has developed in January 2014 a two- fold brochure titled Strengthening an investment climate that promotes growth and OECD Guidelines for Multinational Enterprises. This brochure has been delivered to participantes from public and private sector in several meetings and activities to investment promotion.

19. If the NCP conducted surveys or collected data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct, provide details.

20. Does the NCP have a promotional plan on the Guidelines?  Yes  No

21. Did the NCP organise any event to promote the Guidelines and their implementation procedures?

Yes  No

<b>Title</b>	The Investment Climate and the importance of the OECD Guidelines to Multinational Enterprises
<b>Date</b>	April, 15, 2014
<b>Place</b>	Arequipa city, Peru.
<b>Further details</b>	The Peruvian NCP in April 15, 2014 organized a workshop oriented to disseminate the OECD Guidelines in Arequipa with the participation about 30 companies located in the Arequipa Region mainly in the mining sector, also attended by representatives of academic sector and the Regional Government of Arequipa.

22. Did the NCP participate in any event organised by stakeholders or other entities to promote the Guidelines and their implementation procedures?

Yes  No

<b>Title</b>	Peer Learning Session and Capacity in Latin American NCPs.
<b>Date</b>	Oct 7 to Oct 9, 2013
<b>Place</b>	Bogotá, Colombia
<b>Further details</b>	The Worksop was organized by the NCP of Colombia with the support of the British NCP.

23. What use has been made of embassies, notably in emerging markets and other non-adhering countries, for raising awareness and promoting the Guidelines?

**24. Does the NCP have a direct relationship with OECD partner organisations and/or other leading responsible business conduct instruments:**

- |   |   |  |
|---|---|--|
| <b>ILO?</b>   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>UN Global Compact and its local networks?</b>                              | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>UN Office of the High Commissioner on Human Rights?</b>                    | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>National Institution for the Protection and Promotion of Human Rights?</b> | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Global Reporting Initiative?</b>   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>ISO26000?</b>  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Other</b>  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

**25. Does the NCP or another government agency promote the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones?**

- Yes  No

**26. Does the NCP or another government agency promote the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas?**

- Yes  No

**27. Were enquiries received on the Guidelines and their implementation procedures**

- |  |   |  |
|--|---|--|
| <b>From other NCPs?</b>                            | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>From the business community?</b>                | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>From labour organisations?</b>                  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>From non-governmental organisations?</b>        | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| <b>From governments of non-adhering countries?</b> | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| <b>Other</b>                                       | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

On September 9, 2013, the NCP had a meeting with a representative of the Peruvian Law Company CPB for the purpose of obtaining information on the OECD guidelines for Multinational Enterprises, the specific instances and procedures of the NCP. The information provided by the NCP will be used for a master's thesis in international law.

## C. Proactive agenda

*In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders in order to: a) consider new developments and emerging practices concerning responsible business conduct; b) support the positive contributions enterprises can make to identify and respond to risks of adverse impacts associated with particular products, regions, sectors or industries*

**28. Did the NCP identify new emerging challenges for enterprises, or engage in any related activities?**

Yes  No

## D. Co-operation and peer learning

*In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs will engage in joint peer learning activities. In particular, they are encouraged to engage in horizontal, thematic peer reviews and voluntary NCP peer evaluations. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.*

**29. Did the NCP engage in direct co-operation with other NCPs?**

Yes  No

**30. Is the NCP interested in volunteering for a peer evaluation?**

Yes  No

**31. Is the NCP interested in being part of the team conducting a voluntary peer evaluation?**

Yes  No

## E. Specific instances

**32. Did the NCP develop procedures for handling specific instances?**

Yes  No

**33. How many new specific instances did the NCP receive in the reporting period?**

0

**34. Do you have any updates on specific instances that were reported and not concluded in the previous reporting period?**

Yes  No

<b>Title</b>	Specific Instance related to the labor rights of mining workers
<b>Status</b>	In progress
	The Guidelines regarding mining workers' rights, in the closure of a mine managed by a subsidiary of a multinational Swiss company. However, as formal procedures regarding this case were initiated before Peruvian judicial instances, the NCP coordinated with the parties to bring them together in order to facilitate an of-court settlement. However, the enterprise

<b>Summary</b>	expressed its intention to address the issue in the conciliation phase that occurs within the framework of the regular judicial procedure. On February 2014, the CUT communicated the NCP that the first instance judgment of the judicial process has already been issued and notified. Thus, they required us to perform our best efforts to reconnect with the company to achieve an of -court settlement. Following the requirement, the NCP has met with both parties giving new impetus to this specific instance.
<b>Link</b>	

## F. Useful experiences and future work

**35. Provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP.**

- Participation in the “Peer Learning Session and Capacity Building within the Latin American PNCs” that took place in Bogota, Colombia on October 2013. During this sessions, the Peruvian NCP had the chance to learn from the experience of the English NCP and to share its experiences, good practices and challenges with the NCPs of Colombia, Chile and México.
- Participation in a videoconference organized by the NCP of Costa Rica on April 9, 2014, in which we exchanged experiences, difficulties and good practices with other NCPs such as Colombia, Argentina and Costa Rica within the topic "Opportunities and Challenges for Latin American countries in the implementation of the Guidelines."

**36. Based on your recent activities, what issues might deserve particular attention during the 2014-2015 implementation cycle of the OECD Guidelines?**

- Improve and formalize the process that we currently have for purposes of filing and processing the specific instances that may be presented.
- Try to find the different possibilities in order to have a mediation service that is helpful for the resolution of specific cases.

## NCP CONTACT INFORMATION

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