

OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES
MEXICO NCP
REPORT TO THE OECD
2013

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

Table of Contents

- A. Institutional arrangements
 - B. Information and promotion
 - C. Proactive Agenda
 - D. Co-operation and peer learning
 - E. Specific instances
 - F. Useful experiences and future work
- NCP contact information

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

Directorate General for Foreign Investment, Ministry of Economy

2. Structure of the NCP

Monopartite Interagency Bipartite Tripartite Quadripartite Independent Expert Body

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?

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 Directorate General for Foreign Investment - where the NCP is ascribed - reports to the Ministry of Economy (through the Viceminister of Regulation and Competitiveness) about the activities and results of the NCP.

B. Information and promotion

11. Does the NCP have a dedicated website or dedicated webpages? Yes No
www.economia.gob.mx/comunidad-negocios/competitividad-normatividad/inversion-extranjera-directa/asuntos-internacionales/directrices-para-empresas-multinacionales-ocde/punto-nacional-de-contacto
12. Are the 2011 Guidelines available online? Yes No
English official version. A short summary in Spanish is also available.
13. Are the 2011 Guidelines available in print? Yes No
14. Did you develop other products to raise awareness of the Guidelines? Yes No
A brochure (Spanish). Document available: www.economia.gob.mx/files/comunidad_negocios/ied/pnc_mexico.pdf
15. Is your Annual Report available online? Yes No
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
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
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
The 2013 Annual Program aims to promote the awareness of the Guidelines among stakeholders, with a view to contribute to their effective implementation in Mexico, according to the core criteria of visibility, accessibility, transparency and accountability.
21. Did the NCP organise any event to promote the Guidelines and their implementation procedures?
 Yes No

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

Yes No

Title	New Perspectives: Corporate Social Responsibility in Mexico and Sweden
Date	6 Sep 2012
Place	Nordic Chamber of Commerce - MEXICO
Further details	Presentation
Title	Challenges for Chilean investors: The OECD Guidelines for Multinational Enterprises.
Date	16 Nov 2012
Place	SOFOFA - CHILE
Further details	Panel Discussion
Title	Commission of International Affairs
Date	21 Feb 2013
Place	Mexican Employers Association (COPARMEX) - MEXICO
Further details	Presentation
Title	Commission of Corporate Social Responsibility
Date	28 Feb 2013
Place	International Chamber of Commerce - MEXICO
Further details	Presentation
Title	Social Responsibility: A key factor for business development
Date	20 Mar 2013
Place	American Chamber of Commerce - MEXICO
Further details	Presentation
Title	Challenges in Mexico: Commitment to communities & safety: Towards responsible mining
Date	23 May 2013
Place	Mexico Mining Summit 2013
Further details	Panel Discussion

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:

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

Document available: www.economia.gob.mx/comunidad-negocios/competitividad-normatividad/inversion-extranjera-directa/asuntos-internacionales/directrices-para-empresas-multinacionales-ocde/punto-nacional-de-contacto

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

Document available: www.economia.gob.mx/comunidad-negocios/competitividad-normatividad/inversion-extranjera-directa/asuntos-internacionales/directrices-para-empresas-multinacionales-ocde/punto-nacional-de-contacto

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

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

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
 - are they available online? Yes No

General documents and information about specific instances, including a procedural guidance, will be posted shortly and will be available both in Spanish and English.

- in which language/s ?
 - do procedures take into account the 2011 Procedural Guidance? Yes No

33. How many new specific instances did the NCP receive in the reporting period? 3

Title	Mining, Mexico
Leading NCP	Mexico
Supporting NCP	Canada
Description	The specific instance was requested by a non-governmental organisation on behalf of various labour unions, a common land owners unit ("ejido") and other interested parties, against a mining company operating in Mexico. The allegations included: (i) breach of a lease contract; (ii) lack of disclosure of relevant information to shareholders; (iii) violations to human rights and anti-union practices; and (iv) water and environmental pollution.
Theme/s	<input type="checkbox"/> III. Disclosure <input type="checkbox"/> IV. Human Rights <input type="checkbox"/> V. Employment and Industrial Relations <input type="checkbox"/> VI. Environment
Date specific instance received	29 May 2012
Host country/ies	Mexico
Source	<input checked="" type="checkbox"/> Trade Union <input checked="" type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties
Industry sector	Mining and quarrying
Status	Concluded

Summary	<p>The request was submitted in both Canadian and Mexican NCPs. According to the OECD Procedural Guidance, Mexico led the case with the support of the Canadian NCP. Meetings were held with the relevant parties to the case and consultations were conducted with relevant authorities.</p> <p>The Mexican NCP decided not to offer good offices mainly because of the following reasons: (i) there were various legal procedures taking place, which were highly relevant for the development and eventual outcome of the dispute; (ii) the issues brought before the NCP were in general material but insufficiently substantiated; (iii) the mining company firmly rejected any possible mediation process; (iv) due to their nature, most conflicts were not susceptible of being subjected to mediation, but had to find a solution through the action of competent authorities; and, (v) parallel negotiation efforts at high political levels were taking place, and the participation of the NCP was not deemed as feasible nor meaningful.</p>		
	Initial assessment	Assistance to parties	Conclusion of the procedures
From date:	29 May 2012	From date:	From date:
To date:	28 Nov 2012	To date:	To date:

Title	Metallurgy - Mexico
Leading NCP	Mexico
Supporting NCP	Finland
Description	<p>The specific instance was requested by a labour union against a metallurgist company operating in Mexico.</p> <p>The allegations were focused on an alleged favoritism over a specific union (allegedly controlled and dominated by the company) in order to put aside another union. They also included the illegal firing of workers.</p>
Theme/s	V. Employment and Industrial Relations
Date specific instance received	17 Oct 2012
Host country/ies	Mexico
Source	<input checked="" type="checkbox"/> Trade Union <input type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties
Industry sector	Manufacturing
Status	Concluded
Summary	<p>The request was submitted in both Finish and Mexican NCPs. According to the OECD Procedural Guidance, Mexico led the case. Meetings were held with the relevant parties to the case and consultations were conducted with relevant authorities.</p> <p>The Mexican NCP decided not to offer good offices mainly because of the following reasons: (i) there were various legal procedures taking place, which were highly relevant for the development and eventual outcome of the dispute;</p>

	(ii) the issues brought before the NCP were in general material but insufficiently substantiated; (iii) the main conflict (an intra-union dispute) was not susceptible of being subjected to mediation, but had to find a solution through the decision of the competent labour authorities.	
Initial assessment	Assistance to parties	Conclusion of the procedures
From date: 17 Oct 2012	From date:	From date:
To date: 17 May 2013	To date:	To date:

Title	Telecommunication - El Salvador / Nicaragua					
Leading NCP	Mexico					
Supporting NCP						
Description	<p>The specific instance was requested by a trade union and a non-governmental organisation on behalf of various labour unions, against a telecommunication company operating in El Salvador and Nicaragua.</p> <p>The allegations included: (i) violations to human rights and anti-union practices; and (ii) corrupt activities of the company to block the establishment and legal recognition of labour unions.</p>					
Theme/s	<table border="1"> <tr><td>I. Concepts and Principles</td></tr> <tr><td>IV. Human Rights</td></tr> <tr><td>V. Employment and Industrial Relations</td></tr> <tr><td>VII. Combating Bribery, Bribe Solicitation and Extortion</td></tr> </table>		I. Concepts and Principles	IV. Human Rights	V. Employment and Industrial Relations	VII. Combating Bribery, Bribe Solicitation and Extortion
I. Concepts and Principles						
IV. Human Rights						
V. Employment and Industrial Relations						
VII. Combating Bribery, Bribe Solicitation and Extortion						
Date specific instance received	4 Mar 2013					
Host country/ies	El Salvador / Nicaragua					
Source	<input checked="" type="checkbox"/> Trade Union <input checked="" type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties					
Industry sector	Information and communication					
Status	In progress					
Summary						
Initial assessment	Assistance to parties	Conclusion of the procedures				
From date: 4 Mar 2013	From date:	From date:				
To date:	To date:	To date:				

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

Yes No

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.

Difficulties

- Lack of a Spanish version
- Lack of awareness of the Guidelines and other non-binding instruments
- The issues submitted to the NCP are not subject to a mediation process

36. Based on your recent activities, what issues might deserve particular attention during the 2013-2014 implementation cycle of the OECD Guidelines?

NCP CONTACT INFORMATION

Contact	Mr. Alejandro Faya / Ms. Alejandra Cisneros
Address	Ministry of Economy, Insurgentes Sur 1940, 8th Floor, Florida, Álvaro Obregón, 01030
Country	MEXICO
Website	www.economia.gob.mx/comunidad-negocios/competitividad-normatividad/inversion-extranjera-directa/asuntos-internacionales/directrices-para-empresas-multinacionales-ocde/punto-nacional-de-contacto
Email	pnc.mexico@economia.gob.mx; alejandra.cisnerosg@economia.gob.mx
Telephone	+52 (55) 5229-6100 Ext. 33426
Fax	