THE PORTUGUESE NATIONAL CONTACT POINT FOR RESPONSIBLE BUSINESS CONDUCT

Webinar ‘Business and Human Rights Developments in Portugal’

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• **48** Governments adhering to the Guidelines establish National Contact Points (‘NCPs’)

• **Since 2000** part of the NCP’s mandate to receive ‘specific instances’ related to the non-observance of the Guidelines

• **Over 500** specific instances reviewed arising in more than **100** countries

• The **2011** review of the Guidelines included a new human rights chapter, consistent with the UNGPs

• Human rights-related cases now account for **over 51%** of the cases received

• **6** NCPs have received **49%** of all cases filed since 2000
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• Main functions of the NCPs:
  o Promotion of the Guidelines and the role of the NCPs
  o Grievance mechanism to resolve cases (‘specific instances’)

• Core principles according to which NCPs operate:
  o Visibility
  o Accessibility
  o Transparency
  o Accountability
THE NATIONAL CONTACT POINTS
2018 FACTS & FIGURES

• NCPs closed 34 specific instances (in line with previous years)
• 13 concluded, 20 not accepted and 1 withdrawn
• From those 13, 11 underwent mediation and only 4 cases reached agreement
• 52 new submissions filed (compared to average 25)
• 52% of all NCPs received specific instances (increase from 38%)
• 68% of closed specific instances involved large enterprises
Most prevalent industry sectors

Most cited chapters of the Guidelines

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- Inter-ministerial decision-making structure (DGAE and Aicep Portugal Global)
- Part-time staff (26/48 NCPs have full-time staff)
- No advisory body
- No dedicated budget (24/48 NCPs have)
- Reports to government
- Website with published rules of procedure and form for initial request
- Participation and organization of 4 events (2017-2018)
- No promotional plan (38/48 NCPs have)
1) **Factory closure in Portugal** (2004)
   - Portugal was the lead NCP
   - Manufacturing sector
   - Breach of employment and industrial relations
   - Conclusion: no breach of the Guidelines, agreement of the parties

2) **Alleged breach of human and labour rights in Denmark and Portugal** (2013)
   - Portugal was a host country
   - Agriculture, forestry and fishing sectors
   - Breach of employment and industrial relations and human rights
   - Conclusion: case withdrawn, agreement reached, no proof of violations
3) **Polish enterprise part of a Portuguese multinational** (2014)
   - Accommodation and food service
   - Breach of employment and industrial relations
   - Conclusion: trade union retracted the notification of the alleged breach

4) **French company operating call-centres and UNI Global Union** (in progress)
   - Portugal is a supporting NCP
   - Administrative and support service activities
   - Breach of human rights, employment and industrial relations and environment
   - Initial statement will later be released
   - 1st covid-19 related complaint filed under the Guidelines
CONCLUDING REMARKS

• 3 reasons for the lack of specific instances in Portugal
  o Scope of the Guidelines
  o Lack of information
  o Prevalence of judicial litigation
Thank you very much!
Any questions?
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